UPLOADED ON 15.04.2026

IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI

Present: Thiru. S.GANAPATHISAMY, B.A.B.L.,
Principal Judge

Dated this 15th day of April 2026, Wednesday

I.A.No. 1/ 2025 in C.O.S. No.1330 / 2022

M/s. Blue Dart Express Limited,
Office at No.11, Sterling Road,
Status Quo, Nungambakkam,
Chennai – 600 034. Petitioner/Defendant

-Versus-

1. M/s. Trivitron Health Care Pvt. Ltd,
No.A 4/2, SIPCOT Industrial Park,
Irungattukottai,
Sriperumbudur,
Kancheepuram,
Tamil Nadu 602 117.
Represented by its Power Agent/Subrogee,
M/s. National Insurance Co. Ltd

2. M/s. National Insurance Co.Ltd
Divisional Office No.35, II Floor,
Gandhi Nagar, First Main Road,
Adyar, Chennai – 600 020.
Represented by their Principal Officer Respondents/Plaintiffs

This Petition coming on this day for final hearing on 13.03.2026 before me in the presence of M/s. A. John Britto, P. Poovanalingam and P.Ivanjalin, learned counsels for petitioner/defendant; of M/s. Nageswaran & Narichania, learned counsels for the respondents/plaintiffs and upon perusing the documents and hearing the arguments of both sides and having stood over for consideration till this day, this court today delivers the following:

ORDER

1. The Petitioner /Defendant has come forward with this application under section 5 of Limitation Act for condonation of delay of 943 days in taking steps to set aside the ex-parte decree dated 11-10-2022 passed against him for his non-appearance inter alia alleging that the staff of the defendant who had received the summons issued by the Court failed to brought it to the knowledge of the defendant and only on receipt of notice on 03-06-2025 in Execution Petition, the defendant came to know about the exparte decree passed against it and after collecting suit papers, he gave instructions to his counsel to file the present petition. The petitioner has further stated that he has got a good defense and the delay of 943 days should be condoned.

2. The Respondent/Plaintiff has resisted this application inter alia alleging that the petitioner has himself admitted the service of summons on staff of defendant and he came to know about the exparte decree on receipt of notice in Execution Petition and it is not a valid ground for condonation of delay. The respondent has further stated that the petitioner has not explained the reasons for each and every day's delay and

even if he is to be given an opportunity, he should be directed to deposit at least 50% of suit amount to the credit of the suit.

3. Both sides heard.

4, In the suit filed by the respondent/plaintiff for recovery of Rs. 4,29,638/-, the defendant failed to appear before this Court and therefore an ex parte decree came to be passed on 11-10-2022. The Petitioner has admitted the receipt of suit notice by his staff. But it is his contention that it was not brought to his knowledge and immediately after coming to know about the ex parte decree on receipt of notice in Execution Petition, he has filed this application. According to the defendant, he received notice in EP on 03-06-2025. Immediately he has filed this application on 10-06-2025 for condonation of delay. Therefore, the reason assigned by the defendant that his staff did not bring it to the knowledge of defendant is acceptable. However, the decree was passed in 2022. The consignment was despatched in 2018. The consignment was delivered in a damaged condition according to the plaintiff. The 2nd plaintiff is a Subrogee . Therefore, I am of considered opinion to condone the delay to give an opportunity to the defendant in spite of he not filing written statement to cross examine PW1 based on the averments contained in the plaint and not defense and he may be permitted to participate in the proceedings. At the same time, he should be made to feel that at any cost there should not be any delay in disposal of the case. Therefore, the delay can be condoned on deposit of 50% of decree amount by the defendant within a period of one month.

In the result, this petition will be allowed on deposit of half of the decree amount to the credit of this suit within one month failing which the application will stand dismissed. Call on 10-06-2026.

Dictated by me to the Steno-Typist, directly typed by him in the computer, corrected and pronounced by me in the open court, this 15th day of April 2026.

GANAPATHI SAMY

Digitally signed by GANAPATHI SAMY
Date: 2026.04.15 17:51:06 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft/ Fair Order in
I.A.No.1 of 2025
in
C.O.S.No. 1330 /2022
Date: 15.04.2026

Principal Commercial Court,
Egmore, Chennai.