

UPLOADED ON 02.06.2026

IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI

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

Dated this 2nd day of June 2026, Tuesday

I.A.No. 6 / 2026 in IA.No. 5 /2025 in C.O.S. No.706 / 2022

and

I.A.No. 7 / 2026 in IA.No. 5 /2025 in C.O.S. No.706 / 2022

Sanjay Sharma

Proprietor of K.K.PR and Advertiser,

No.68, New Sarabha Nagar,

Pakhowarl Road,

VPO daad,

Ludhiana – 141 001.

Petitioner/ Petitioner / 1st Defendant in both petitions

-Versus-

1. VIPRAS ADZ

represented by its partner,

Smt. C.S. Gajalakshmi,

F1, 1st floor,

New No.10,

Pace Park,

6th Cross Street,

Shenoy Nagar,

Chennai – 600 030.

1st Respondent/1st Respondent/Plaintiff in both I.As

2. Gopal Iyer,
Creations Advertising Agency,
Plot No.18, SAS Layout 18th Cross,
5th phase, J.P.Nagar,
Bangalore,.

Also at
No.204, Bhami Complex,
Honey Park Road,
Near L.P.Savani Circle,
Adajan,
Surat – 9.

3. Shivaji Balkas,
Proprietor of Creations Advertising Agency,
No.204, Bhumi Complex,
Honey Park Road,
Near L.P. Savani Circle,
Adajan,
Surat -9

2nd and 3rd Respondents/2nd and 3rd Respondents/
2nd and 3rd Defendants in both IAs

These Petitions coming on this day for final hearing 27.04.2026 before me in the presence of M/s.Nathan and Associates, learned counsels for petitioner /petitioner / 1st defendant in both applications ; 1st Respondent/1st Respondent/Plaintiff having been set exparte in both applications and upon perusing the documents and hearing the arguments of Petitioner side and having stood over for consideration till this day, this court today delivers the following:

COMMON ORDER

1. The Petitioner / 1st Defendant has filed these applications under Section 148 and 151 of Code of Civil Procedure to condone the delay of 67 days in taking steps to

extend the time for compliance of order passed on 27.11.2025 inter alia alleging that this Court passed an order in IA. No. 5 of 2025 which was filed by the 1st defendant to set aside the exparte decree, allowing the application subject to payment of cost of Rs. 5,000/- by the 1st defendant to the plaintiff on or before 26.11.2025 and posted the matter for compliance on 27.11.2025 and as the order passed in the interlocutory application will not reflect in online portal, the counsel for the petitioner had to verify "A" diary to know the condition imposed. The petitioner has further stated that as the "A" diary was not available on 20.11.2025 until 26.11.2025, the payment could not be made and when the counsel for the petitioner contacted the counsel for plaintiff to receive the amount through online mode, the counsel for the plaintiff refused to receive it online by insisting to make payment in cash. It has been further stated in the affidavit that on 26.11.2025, as the counsel for plaintiff was not available, he assured to receive cost on 27.11.2025 and on that day he declined to receive the cost, as a result of which the application was dismissed.

2. The 1st Respondent has not filed any counter in these applications and it was set exparte.

The point for consideration in these applications are

3. Whether there are sufficient reasons to condone the delay of 67 days and to enlarge time for compliance of earlier order?

4. Heard the counsel for petitioner.

5. The defendants were set exparte in the main suit and an exparte decree came to be passed on 25.06.2024. The petitioner filed applications in IA. No. 4 of 2025 and I.A.

No. 5/2025 to condone the delay of 382 days in taking steps to set aside the exparte decree and this court allowed IA .No.4/2025 on 28.07.2025. Thereafter, IA.No.5/2025 was taken on file and it was ordered on 20.11.2025 allowing the application subject to payment of cost of Rs.5,000/- on or before 26.11.2025. This court posted the matter on 27.11.2025 for compliance of Court order. The reason that “A” diary was not available is sufficient and the order in interlocutory applications in disposed cases will not reflect in online portal. Therefore, this court is of opinion to give an opportunity to the petitioner to contest the suit. At the same time, he should not permitted to protract the proceedings. Considering the facts and circumstances of the case, each applications will be allowed on payment of cost of Rs.10,000/- by the petitioner to Chennai District Mediation Centre on or before 01.07.2026 failing which these applications will stand dismissed. Call on 02.07.2026. Total Cost Rs. 20,000/-

In the result, each applications will be allowed on payment of cost of Rs.10,000/- by the petitioner to Chennai District Mediation Centre on or before 01.07.2026 failing which these applications will stand dismissed. Call on 02.07.2026. Total Cost Rs. 20,000/-.

Dictated by me to the Steno-Typist, directly typed by him in the computer, corrected and pronounced by me in the open court, this 2nd day of June 2026.

GANAPATHI
SAMY

Digitally signed by
GANAPATHI SAMY
Date: 2026.06.02
16:29:58 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Common Draft/ Fair Order in

I.A.Nos.6 & 7 of 2026

in

I.A.No.5 of 2025

in

C.O.S.No.706/ 2022

Date: 02.06.2026

Principal Commercial Court,

Egmore, Chennai.