

UPLOADED ON 10.07.2026

**IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI**

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

Dated this 10th day of July 2026, Friday

I.A.Nos. 2 and 3 / 2026 in C.O.S. No.218 / 2024

M/s. CU-V-Kar Genetic Medicare Pvt. Ltd.,
Also known as M/s. M.M.Pharma,
Rep. by its Managing Director Mr.Ramkumar,
CU-V-Car 75, 3rd Street,
I & II Floor, AE Block, Anna Nagar,
Chennai – 600 040.

..... Petitioner/ Defendant in both the applications

-Versus-

M/s. Sri Krishna Logistics,
Rep. by its Proprietor Mr.L.K.Sharma,
Having office at
Tower – 2, Flat No . 502, Ananda North Town Estate,
Door No.4,5,6 &7, Stephenson Road,
Perambur, Chennai – 600 012.Respondent/Plaintiff in both the applications.

These Petitions coming for final hearing on 22.04.2026 before me in the presence of M/S. R.Rajadurai, A.Nazar and P.Vignesh, learned counsels for petitioner/defendant in both applications; of M/s. S.Mohandas, G.Thangavel and G.Raja, learned counsels for the respondent/plaintiff in both applications and upon perusing the documents and having stood over for consideration till this day, this court today delivers the following:

COMMON ORDER

The Petitioner/ Defendant has come forward with these applications under Section 5 of Limitation Act and under Order IX Rule 13 of Civil Procedure Code to condone the delay of 367 days in taking steps to set aside the ex parte decree and to set aside ex parte decree with the following facts.

The defendant appeared in the main suit by nominating one advocate. He did not properly follow up the case. The defendant trusted him, but he failed to update case information. As the defendant was to collect evidence relating to business transactions, it was not able to file the written statement. The company was not aware of status of the case. The suit was decreed on 20.12.2024. The defendant came to know about the decree passed in ex parte only after appointment of a new counsel. There is a delay of 367 days in taking steps to set aside the ex parte decree.

2. The respondent / plaintiff has resisted these applications with the following facts :

Without any valid reasons, the petitioner has filed this application only to prolong the issue and to escape from the liability of the due payment. As the liability

existed against the defendant, he did not contest the suit. After initiation of execution proceedings in E.P.No.15 of 2026, the petitioner has filed these applications. He undertook to pay the entire due and paid 50% of settlement amount of Rs.4,00,000/- on 03.06.2026. He undertook to pay the remaining amount on or before 25.06.2026. The petitions are liable to be dismissed.

3. When the applications were taken up on 22.04.2026, both side counsels did not come forward to argue the matter.

The point for consideration in these applications is whether there are sufficient grounds to condone the delay of 367 days in taking steps to set aside the ex parte decree?

5. Perusal of records would show that defendant entered his appearance on 04.10.2024 in the main suit by engaging a counsel. The defendant failed to file his written statement. Therefore, this Court posted the case for recording plaintiff side evidence and when the case was posted for cross examination of PW1 on 11.12.2024, there was no representation on the side of the defendant. Almost in all the hearings, there was no representation on the side of the defendant. Therefore, the defendant was set ex parte on 11.12.2024 and ex parte judgment came to be passed on 20.12.2024. The defendant ought to have pursued the case instead of trusting his advocate. Anyway, this Court deems fit to give an opportunity to the defendant to

contest the suit. He failed to file written statement within 30 days or within 120 days. He cannot be permitted to file his written statement and without filing it, he can cross examine the plaintiff side witnesses based on the plaint averments. At the same time, the defendant cannot be permitted to procrastinate the proceedings.

Considering the facts and circumstances of this case, these applications will be allowed on deposit of decree amount to the credit of the suit after deduction of Rs.4,00,000/- already paid by the defendant to the plaintiff on or before 28.07.2026 failing which these applications will stand dismissed. Call on 29.07.2026

Dictated by me to the Steno-Typist, Transcribed and typed by him in the computer, corrected and pronounced by me in the open court, this 10th day of July 2026.

GANAPATHI
SAMY

Digitally signed by
GANAPATHI SAMY
Date: 2026.07.10
18:14:51 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft/ Fair Common Order in

I.A.No. 2 & 3 of 2026

in

C.O.S.No. 218 /2024

Date: 10.07.2026

Principal Commercial Court,

Egmore, Chennai.