

UPLOADED ON 05.08.2026

IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI

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

Dated this 5th day of August 2026, Wednesday

IA.No. 3 of 2026 in C.O.S.No. 74 of 2026

1. Mrs. S.Asoka,
W/o Soundararajan

2. Mrs. A.Nirmala
D/o Soundararajan,
Proprietors,
M/s. Ashoka Plastic Products,
having office at
12, Nagarathinammal Colony,
West Mambalam,
Chennai – 600033.
Represented by their Power Agent,
Mr.S.Sudharsan,
S/o Soundararajan
12, Nagarathinammal Colony,
West Mambalam,
Chennai – 600033.

3. Mr.S.Sudharsan,
S/o Soundararajan
Proprietor,

M/s.Ashoka Plastic Products,
having office at
12, Nagarathinammal Colony,
West Mambalam,
Chennai – 600033.

...Petitioners / Plaintiffs

- Versus -

1. Mr. Ansari Marzukdeen Haja,
Managing Director,
M/s.Asha Hotel Supplies Pvt. Ltd.,
No.3 Peters Road, 2nd floor,
Royapettah,
Chennai – 600 014.

2. Mr. Abdul Rehman Thahaseena Haja,
Director,
M/s.Asha Hotel Supplies Pvt. Ltd.,
No.3 Peters Road, 2nd floor,
Royapettah,
Chennai – 600 014.

.... Respondents / Defendants

This Petition coming on this day for hearing on 05.08.2026 (today) before me in the presence of M/s. T.R. Kumaravel, T.R. Anand, P.Ramachandran, learned counsels for petitioners / plaintiffs; of M/s.V.M.Nagarajan, M.Nagarajan, learned counsels for the respondents /defendants and upon perusing the documents and upon hearing the arguments of both sides and having stood over for consideration till this day, this court today delivers the following:

ORDER

1. The Petitioners/Plaintiffs have come forward with this application under Order IX Rule 9 of Code of Civil Procedure to restore the suit which was dismissed for default on 06.06.2026 on the failure of the plaintiff to argue on maintainability of the suit. The Petitioners have stated in the affidavit that though counsel for plaintiffs appeared through video conference and argued the matter, his voice was not clear and therefore this Court dismissed the suit for default.

2. The Respondents/Defendants have resisted this application inter alia alleging that this Court has adjourned the case then and there from 18.04.2026 to hear the counsel for plaintiffs on maintainability of suit and when it was posted on 06.06.2026, despite sufficient opportunities were already given, as the plaintiffs failed to argue, this Court dismissed the suit and there is no sufficient reason to restore the suit.

3. The point for consideration in this application is whether there is sufficient reason to restore the suit?

Both side heard.

4. This Court has raised a question as to the maintainability of suit on 02.04.2026 and asked the counsel for plaintiffs to explain as to the maintainability of suit on 18.04.2026. Thereafter, this Court has granted 4 adjournments to the plaintiffs. The appearance of plaintiffs' counsel through

video conference on 27.04.2026 , 05.06.2026 and 06.06.2026 has been recorded. As the plaintiffs failed to argue on maintainability of suit, this Court dismissed the suit for default.

5. The learned counsel for plaintiffs submitted that along with application he has filed an amendment application in detail. Though there is objection on the side of respondents, this Court deems fit to give an opportunity to the plaintiffs to pursue the matter. At the same time, he should not be permitted to procrastinate the proceedings. Considering the facts and circumstances of the case, this application will be allowed on payment of cost of Rs.10,000/- by the petitioners/plaintiffs to the respondents/defendants on or before 20.08.2026 at 10.30 a.m failing which this application stand dismissed. Call on 20.08.2026. Accordingly the point is decided.

In the result, this application will be allowed on payment of cost of Rs.10,000/- by the petitioners/plaintiffs to the respondents/defendants on or before 20.08.2026 at 10.30 a.m failing which this application will stand dismissed. Call on 20.08.2026.

Dictated by me to the Steno-Typist, directly typed by him in the computer, corrected and pronounced by me in the open court, this 5th day of August 2026.

Digitally signed
by GANAPATHI
SAMY
Date:
2026.08.05
17:32:03 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft/ Fair Order in

I.A.No.3 of 2026

in

C.O.S.No. 74 /2026

Date:05.08.2026

Principal Commercial Court,
Egmore, Chennai.

