

UPLOADED ON 14.08.2026

IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI

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

Dated this 14th day of August 2026, Friday

IA.No.5 of 2026 in C.O.S.No. 268 of 2024

M/s. A & A International Trading Pvt Ltd,
Represented by their Managing Director
Mr.Saikumar Masilamani,
No.85, Perambur High Road,
Perambur,
Chennai – 600 011.

....Petitioner / Plaintiff

Versus

1. The Deputy General Manager (T)
United Head Ariyalur Cements works,
Tamil Nadu Cements Corporation Ltd.,
Ariyalur Cements Factory,
Ariyalur District – 621 729.

2. The Tamil Nadu Cements Corporation Ltd,
(A Govt. of Tamil Nadu Undertaking),
represented by its Managing Director,
5th floor, Aavin Illam,
Nandanam,
Chennai – 600 035
(Amended as per Order dated 07.01.2025 in
I.A.No.2 of 2025)

..... Respondents / Defendants

This Petition coming on this day for final hearing on 24.07.2026 before
me in the presence of M/s. N.V.Prakash, V. Harishankar and V.Sai Sudarshan,

learned counsels for petitioner/plaintiff; of M/s. A.Sivaji, K. Dhananjayan, S.Jeevitharamani, K.Krishnan, D.Kumar, D. Abinaya 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 petitioner/plaintiff has come forward with this application under Order IX Rule 9 of Code of Civil Procedure read with Section 151 to restore suit which was dismissed for default on 10.03.2026. The Petitioner has stated in affidavit that when the case came up for marking of documents, due to some urgent personal work, the plaintiff could not appear to mark documents and this Court dismissed the suit for default.

2. The Respondents have resisted this application inter alia alleging that the plaintiff has filed this suit with wrong cause title and the same was amended after filing of a memo by the defendant on 29.10.2024 and at the time of chief examination of witness on 07.08.2025, plaintiff failed to produce 40 nos of purchase orders and the reason assigned by plaintiff is not sufficient.

Both side Heard.

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

4. The plaintiff has filed main suit for the relief of recovery of Rs.60,33,925/- towards supply of coal to defendants. When the case was taken up for marking of documents on 10.03.2026, though counsel for plaintiff was

present, as plaintiff did not turn up for giving evidence, this Court dismissed the suit. The PW1 filed his proof affidavit even on 29.07.2025. Even after lapse of 8 months, as PW1 has not completed his Chief Examination, this Court dismissed the suit. However, this Court deems fit to give an opportunity to the plaintiff to contest the suit. Moreover, the stake in the suit is high. Every lis shall be decided only on merits. At the same time, plaintiff should not be permitted to loiter the case. For the delay caused by the plaintiff, the defendants can be compensated with cost.

5. Considering the facts and circumstances of the case, this application will be allowed on payment of cost of Rs.25,000/- by plaintiff to defendants on or before 01.09.2026 at 10.30 a.m., failing which the application will stand dismissed. In case of the application is allowed, PW1 shall appear to mark documents.

Dictated by me to the Steno-Typist, directly typed by him in the computer, corrected and pronounced by me in the open court, this 14th day of August 2026.

GANAPATHI
SAMY

Digitally signed
by GANAPATHI
SAMY
Date: 2026.08.14
17:34:55 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft/ Fair Order in

I.A.No.5 of 2026

in

C.O.S.No. 268 /2024

Date: 14.8.2026

Principal Commercial Court,
Egmore, Chennai.