



UPLOADED ON 25.08.2026

IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI

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

Dated this 25th day of August 2026, Tuesday

I.A.No.6 / 2026 in C.O.S. No.280 / 2025

(CNR.NO. TNCH1B-000627-2023)

Athenese DX Private Limited,
represented by its Operation Manager,
J.Rex,
Son of Joseph,
Module No.407, 408, 4th floor,
TICEL,
Bio Park II,
No.5, CSIR Road,
Taramani,
Chennai – 600 113.

Petitioner/ Plaintiff

-Versus-

M/s Harshan Jit Singh,
Proprietor,
Clear Trax Circuits,

No.2, 3rd floor,
1A, DLF Industrial Area,
Moti Nagar,
New Delhi – 110 015.

Respondent/Defendant

This Petition coming on this day for final hearing on 30.07.2026 before me in the presence of M/s.M/s. Sai Srujan Tayi, Pooja Jain, G. Thamizharasi, Nikitha, Rachana, Ashnal, Meharunisha A.S.M., Madunethra. AL, Sabari.V, and Sivasankari.I, learned counsels for the petitioner /plaintiff : of M/s. V. Pravin Rathinam, N. Sundaravadivelu, B. Karthikeyan, R. Balakumar, Kadambri Suresh, S.Srivatsa, Bharatvaaj.S. Rajsree M, Hari Krishna G, R. Ravi Chander, learned counsels for the Respondent/ defendant and upon hearing the arguments of both side 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 seeking for restoration of suit which was dismissed for default on 15.04.2026 for absence of plaintiff to give evidence . The petitioner has stated in the affidavit that due to miscommunication of next hearing date on the part of junior counsel associated with plaintiff's counsel office, they could not inform the plaintiff to appear on 15.04.2026 to give evidence.

2. The Respondent/Defendant has resisted this application with the following facts:-

The petitioner does not disclose any sufficient cause for his non appearance and failure to lead evidence on 15.04.2026. The suit was filed in August 2023 in respect of a transaction of year 2018 and was taken on file in 2025. The Court adjourned the case from 23.03.2026 to 01.04.2026 to file list of witness and case management schedule and I. A No.4 of 2025 was pending for filing counter by plaintiff. When the suit was posted for trial on 01.04.2026, 10.04.2026 and 15.04.2026, the plaintiff failed to give evidence. On 15.04.2026, counsel for plaintiff was present and this Court dismissed the suit for failure of plaintiff to give evidence. To establish mis-communication, affidavit of junior counsel has not been filed. The deponent of affidavit is an officer of plaintiff company.

3. The point for consideration in this application is whether there is sufficient cause to restore the suit which was dismissed for default on 15.04.2026?

Both side heard.

4. The Petitioner/Plaintiff has filed main suit for relief of recovery of suit claim with interest. When the case was posted on 15.04.2026, the counsel for plaintiff was present. As the plaintiff was absent and has not come forward to give evidence, this Court dismissed the suit for default. The reason for non appearance of plaintiff is sufficient. Even the defendant has failed to file his written statement within a period of limitation. However this Court has allowed the defendant to file his written statement by its order dated 12.03.2026 passed in IA.No.5 of 2025 subject to payment of cost of Rs.3,000/- by the defendant to the plaintiff. The defendant has not paid the

cost. Therefore, this Court dismissed the application. Though a lengthy counter has been filed on the part of Respondent, the objection raised by the defendant is not valid.

In the result, considering the facts and circumstances of the case, this application will be allowed on payment of cost of Rs.10,000/- by the plaintiff to the defendant on or before 08.09.2026 at 10.30 a.m. failing which the application will stand dismissed. Call on 08.09.2026.

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 25th day of August 2026.

GANAPATHI
SAMY

Digitally signed
by GANAPATHI
SAMY
Date:
2026.08.25
18:10:01 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft/ Fair Order

in

I.A.No. 6 of 2026

in

C.O.S.No. 280 /2025

Date: 25.08.2026

Principal Commercial Court,
Egmore, Chennai.