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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 7067 of 2026
and CMP No. 30387 of 2026

CNR: {HCMA012306312026}

Case QR

Harshan Jit singh
Proprietor, Clear Trax Circuits,
No.2, 3rd Floor,
1A, DLF Industrial Area,
Moti Nagar, New Delhi 110 015

..Petitioner(s)

Vs

Athenese DX Private Limited
Rep by its Authorized Signatory,
Module Nos.407 and 408,
4th Floor
TICEL Bio Park II,
No.5, CSIR Road,
Taramani, Chennai 600 113

..Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the daily order dated 23.03.2026 passed in IA.No.5 of 2025 in COS.No.280 of 2025 on the file of the Principal Commercial Court, Egmore, Chennai.

For Petitioner(s): Mr.S.Srivatsa

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the order dated 23.03.2026 passed in IA.No.5

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of 2025 in COS.No.280 of 2025 on the file of the Principal Commercial Court, Egmore, Chennai, wherein the application filed by the petitioner/defendant to condone the delay of 23 days in filing the written statement came to be allowed by imposing cost of Rs.3,000/- payable on or before 22.03.2026 and in view of the non-payment, the application itself came to be dismissed.

2.Heard the learned counsel for the petitioner and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The plaintiff filed the Commercial Suit in COS No.280 of 2025 seeking for the relief of recovery of money along with interest. The petitioner/defendant filed the written statement with a delay and hence, filed IA No.5 of 2025 under Section 5 of the Limitation Act to condone the delay of 23 days in filing the written statement. This application came to be allowed by an order dated 12.03.2026 by imposing a condition that the petitioner must pay a cost of Rs.3,000/- on or before 22.03.2026, failing which the application will stands dismissed.

4.The matter was listed on 23.03.2026 and since the cost was not paid, the petition was dismissed.

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5.The petitioner did not immediately approach this Court by filing a revision, since the suit itself came to be dismissed for default on 15.04.2026. Subsequently, the suit was restored to file on 08.09.2026 and thereafter, the present civil revision petition has been filed before this Court.

6.In the considered view of this Court, when the matter was listed on 23.03.2026, the counsel for the petitioner/defendant had appeared through video conferencing mode and the Court below took note of the fact that the cost was not paid on the date of hearing and hence, the application was dismissed. The petitioner/defendant must be given an opportunity to defend himself in the suit. In fact, the plaintiff had failed to prosecute the suit, which was dismissed for default and ultimately restored to file only on 08.09.2026. Therefore, this Court is inclined to set aside the order dated 23.03.2026 passed in IA.No.5 of 2025 in COS.No.280 of 2025 on the file of the Principal Commercial Court, Egmore, Chennai.

7.In the result, this Civil Revision Petition is disposed of in the following terms:

(a) The petitioner is directed to deposit the cost of Rs.5,000/- to the credit of O.S.No.280 of 2025, within a period of one week from the date of receipt of copy of this order.

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(b) On compliance of the above condition, a memo shall be filed before the Court below and the Court below shall take the written statement on file and proceed further with the suit in accordance with law and

(c) If the petitioner fails to pay the cost as directed by this Court, the petitioner shall be set ex-parte and the Court below shall proceed further with the suit.

No Costs. Consequently, the connected miscellaneous petition is closed.

12-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SSR

Note: Issue Order Copy on 12.11.2026

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To

The Principal Commercial Court, Egmore, Chennai.

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N.ANAND VENKATESH, J.

SSR

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