



WEB COPY

OSA No. 30 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

OSA No. 30 of 2021 and

CMP No.813 of 2021

M/s Infoplus Technology Private Ltd
Rep.By Its Director, R.Siva,
Having Office At 61 Development Block, Estate,
Perungudi, Chennai-96

..Appellant(s)

Vs

1. The Bharat Sanchar Nigam Limited
Tamil Nadu Circle, Rep.By Its DGM
(Enterprises Business), Office Of The Chief
General Manager, Telecom BSNL, Tamil Nadu
Circle, Ethiraj Salai, Chennai-600008
2. The General Manager
Telecom BSNL, South Bypass Road,
Vannarapettai, Tirunelveli-627003
3. Anna University
Rep.By Its Registrar, Guindy, Chennai-600032

..Respondent(s)

Appeal filed under Order 36 Rule (1) of O.S. Rules read with Clause 15 of the Letters Patent, to set aside the order, dated 10/12/2019 made in Application No. 8241/2019 in C.S No.126/2014.

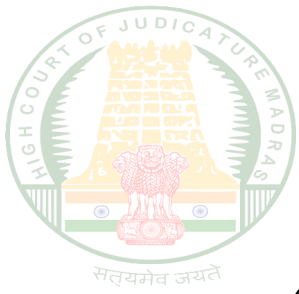
For Appellant(s):

Mr. D.Nellaiappan

For Respondent(s):

Mr. M.S.Velusamy for RR1 & 2

R-3 - No Appearance



JUDGMENT

(Judgment of the Court was delivered by P.Velmurugan J.)

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This appeal has been filed to set aside the order dated 10.12.2019 made in Application No. 8241/2019 in C.S No.126/2014.

2. The respondents 1 and 2 are the plaintiffs in C.S No.126/2014. The appellant is the 1st defendant and the 3rd respondent herein is the 2nd defendant in the said suit. The plaintiffs filed the suit against the appellant and 3rd respondent for the recovery of an outstanding amount of Rs.1,09,66,382 together with interest at the rate of 18% per annum from the date of bill (i.e) 18.02.2012 upto 30.11.2013 amounting Rs.35,20,659/- and in total a sum of Rs.1,44,87,041/-. Though the defendants were served, engaged Counsel and participated in the initial proceedings, they failed to file a written statement or proceed with the case. Consequently, the learned Single Judge passed an ex-parte order, recorded evidence, decided the suit on merits and decreed the suit. Even after the decree was passed, the defendants failed to file an application to set aside the ex-parte decree within the statutory period of 30 days. Therefore, the plaintiffs issued a notice for filing execution petition. On receipt of the notice, the appellant/1st defendant filed an application before the learned Single Judge to condone the delay of 368 days in filing the application to set aside the ex-parte decree. The 1st defendant had not given any valid reasons for the delay. Therefore, the learned Single Judge, dismissed the said application by an order dated



10.12.2019. Aggrieved by the same, the present appeal has been filed by the 1st defendant.

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3. Heard and perused the materials available on record.

4. The learned Single Judge has given valid reasons for disallowing the application filed by the appellant to condone the delay. Though the learned counsel for the appellant argued the matter on merits, however a reading of the affidavit filed by the appellant to condone the delay of 368 days shows that no valid explanation had been given. It is a settled proposition of law that while the length of the delay is not the primary matter, the delay must be properly explained.

5. In the present case, this Court is not satisfied with the explanation offered by the appellant for condoning the delay, more particularly, the appellant is not a lay man who can claim to have been unaware of the proceedings, but it is a reputed private company. Hence, this Court is not inclined to interfere with the order passed by the learned Single Judge.

6. Accordingly, this Appeal is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

(P.V.,J.) (K.G.T.,J.)
17-07-2026

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

KSA-2



OSA No. 30 of 2



To
The Sub Assistant Registrar
Original Side
Madras High Court

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OSA No. 30 of 2



**P.VELMURUGAN, J.
AND
K.GOVINDARAJAN THILAKAVADI, J.**

KSA-2

OSA No. 30 of 2021

17-07-2026