



CRP No. 952 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 27-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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1. Trust Tan Chem
A Reconstituted Partnership Firm
Registered under the Partnership Act
Bearing Reg No.93/2025, Represented by
its Partner Arunachalam No.3, Appadurai
Street, Siva Shankar Nagar, Nagalkeni,
Chrompet, Chennai-44.

Petitioner(s)

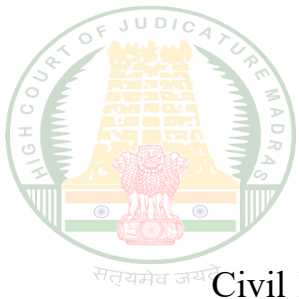
Vs

1. Magnum Leathers
Represented by its Partnersm No.19/B,
padasalai Street, Lakshmipuram, Chrompet,
Chennai-600 044. Also at No.70, Adham
Tannery Complex, Anna Salai, Nagalkeni,
Chrompet, Chennai-600 044.

2.Karunanidhi
S/o.Muthulingam, 158, 5th Main Road,
Nagappa Nagar, Chrompet, Chennai 44

3.Divyaraj
Partner, Magnum Leather, No.70, Adham
Tannery Complex, Anna Salai, Nagalkeni,
Chrompet, Chennai 44

Respondent(s)



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Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 17.10.2025 in O.S.No.600 of 2025 on the file of District Judge, Chengalpattu.

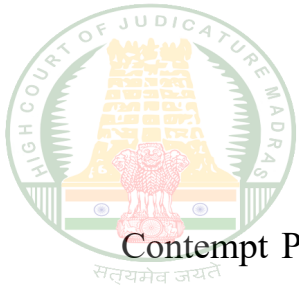
For Petitioner(s): M/s.R.Chandra Sudan
A.V.B.Krishnakanth

For Respondent(s): Mr.N.Balu

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The revision petitioner is the plaintiff in a summary Suit filed before the Commercial Court at Chengalpattu. The grievance of the revision petitioner is that despite the suit having been filed as an under Chapter suit invoking Order XXXVII of the Code of Civil Procedure, on the date assigned for hearing and appearance of the respondents/defendants, the Judge was on leave, however, the Bench Clerk has inadvertently treated the suit as a regular Suit and had entertained the vakalat filed by the respondents and posted the suit for written statement which has also gone unnoticed at the hands of the learned Commercial Judge subsequently as well. In fact, learned counsel for the petitioner also brings to my notice an order passed by this Court in



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Contempt Petition No.2209 of 2026 dated 17.07.2026, where, the learned Commercial

Judge has admitted to the mistake committed at his end and this Court has also permitted the Commercial Court, Chengalpattu to recall the erroneous order dated 11.06.2026. At the same time, the respondents/defendants should not be found fault with for the mistake committed by the Court. No doubt, the respondents ought to have given a notice of appearance as mandated under Order XXXVII of Civil Procedure Code, which has not been done. However, considering passage of time and also taking into account the parties are before this Court in the present revision and also in a Contempt Petition, I am inclined to allow the revision, setting aside the order treating the suit as regular Suit and acknowledging the appearance of the respondents/defendants and posting the suit for filing of written statement.

3. The civil revision petition is allowed with the following directions:-

- (a) The docket order passed in O.S.No.600 of 2025 dated 17.10.2025 is set aside.
- (b) The respondents/defendants shall file an application seeking leave to defend, unconditional or otherwise, as they may think fit, within a period of two weeks from the date of receipt of a copy of this order.
- (c) Any such application duly filed within the said period, shall be



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P.B.BALAJI.,J

sr

disposed of by the Commercial Court, Chengalpattu on merits and in accordance with law, within a period of six weeks thereafter.

(d) Needless to state that after filing of the application for leave to defend, the petitioner/plaintiff shall be afforded two weeks time to file a counter and within four weeks thereafter, the application shall be decided.

No costs.

27.07.2026

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Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The District Court, Chengalpattu

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