

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 8TH DAY OF FEBRUARY 2017

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

A.Nos.813 & 814 of 2017

in

C.S.No.989 of 2010

M/s.National Oxygen Limited, a public
Limited Company duly incorporated under
the provisions of the Companies Act
having its registered office at No.80,
Greams Road, Chennai-6 and it represented
Herein by its Asst. General Manager Mr.Rangamani

...Applicant/Plaintiff

Vs

M/s.Technico Laboratory Products P.Ltd.,
A Private Limited Company duly incorporated
Under the Companies Act having its registered
office at No.28, Poomagal Street, Ekkattuthangal,
Chennai-600 097 and is represented by its
Managing Director Mr.P.Arunagiri

...Respondents/Defendants

A.Nos.813 of 2017

Application praying that this Hon'ble Court be pleased to
condone the delay of 1986 days in filing the Application to set aside
the order of dismissal for default dated 02.08.2011 by the Hon'ble
Master of this Hon'ble Court in filing the Application to restore the
above suit C.S.No.989 of 2010.

A.Nos.814 of 2017

Application praying that this Hon'ble Court be pleased to set aside the order of dismissal for default dated 02.08.2011 by the Hon'ble Master of this Hon'ble court and restore the above suit C.S.No.989 of 2010.

This application coming on this day before this court for hearing the court made the following order:

The application in A.No.813 of 2017 has been filed to condone the delay of 1986 days in filing the application to set aside the order dismissal for default dated 02.08.2011 by the Hon'ble Master and the Application in A.NO.814 of 2017 has been filed to set aside the order of dismissal for default dated 02.08.2011 by the Hon'ble Master of this Court and to restore the above suit in C.S.No.989 of 2010.

2.It has been stated in the affidavits that the suit has been filed for recovery of a sum of Rs.28,55,028/- together with interest and orginally the suit was handed over to M/s.Murthy & Vasan represented by Mr.K.Shreenivasan, the then Advocate. It has been further stated that the suit summon was taken by the Bailiff and the Bailiff recorded that the defendant vacated and further steps were not taken. Hence, the learned Master had dismissed the suit on 02.08.2011. It was noticed by the present counsel only on 19.12.2016. When the then Advocate was contacted, he has informed that he was appointed as Presiding Officer of the Debt Recovery Tribunal at

Bangalore. Hence, the Plaintiff had to appoint the present counsel. Therefore there is a delay and the delay in filing this application is neither willful nor wanton.

3.Taking into account the bonafide reasons given, this application to condone the delay is allowed and the delay of 1986 days is condoned.

4.Since the application in A.No.813 of 2017 is allowed, the order of dismissal for default dated 02.08.2011, passed by the learned Master is set aside and the Application in A.No.814 of 2017 is allowed and the suit in C.S.No.989 of 2010 is restored to file.

Sd/.C.V.K.J
08.02.2017

//Certified to be a true copy//

Dated this the day of 2017.

MD/09.02.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.