



C.M.P.No.3509 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

C.M.P.No.3509 of 2024
in
OSA(CAD)Sr.No.94257 of 2023

1.M/s.Emerald Luxury Cars LLP,
No.9, Shyam Vihar Bunglow,
Shilaj Road, Thaltej,
Ahmedabad - 380 054,
Gujarat.

2.Mr.Kanaiyo M.Thakar
Director, M/s.Emerald Luxy Cars LLP,
No.9, Shyam Vihar Bunglow,
Shilaj Road, Thaltej,
Ahmedabad - 380 054,
Gujarat.

3.Khushi Kanaiyo Thakkar,
Director, M/s.Emerald Luxury Card LLP,
No.9, Shyam Vihar Bunglow,
Shilaj Road, Thaltej,
Ahmedabad - 380 054,
Gujarat.
(Cause title accepted vide Order of Court dated
31.01.2024 made in CMP.No.1541/2024 in
OSA.(CAD).Sr.No.94257 f 2023)

...Appellants

Vs.



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C.M.P.No.3509 of 2



1.M/s.Dalmier Financial Services India Pvt. Ltd.,
Rep. by its Authorised Signatory,
Having office inter alia at
1st Floor, Tower B - Tek Meadows,
No.51, Rajiv Gandhi Salai,
Sholinganallur, Chennai - 600119.

2.Emerald Card Pvt. Ltd.,
CIN No.U50102GJ2006PTC049383
508/15, NR, Mayurr Chember, Old Kumkum
Party Plot, Opp. Gandigram Railway Station,
Ellisbrige, Ahmedabad GJ 380006 IN

3.Emerald Bikes Pvt. Ltd.,
CIN No.U50100GJ2009PTC058563
Solitaire, Opp. Commissioner Office,
Shahibaug Road, Shahiburg,
Ahmedabad GJ 380004 IN

4.Oceanic Vehicles Pvt. Ltd.,
CIN No.U34300GJ2005PTC045779
508/1, "Tej Enclave", Nr.Mayur Chambers,
Old Kumkum Party Plot, Opp. Gandhigram Rly Station,
Ellisbrige, Ahmedabad GJ 380006 IN

5.M/s.Mercedes Benz India Pvt. Ltd.,
E-3, MIDC Chakan, Phase III,
Chakan Industrial Area,
Kuruli & Nighoje, Taluka Khed,
Pune - 410501.

...Respondents

Prayer: Civil Miscellaneous Petition filed under Order XIV, Rule 8 of
O.S.Rules, seeking to condone the delay of 502 days in filing the appeal in
OSA.Sr.No.94257 of 2023.

For Appellants : Mr.M.Sunil Kumar



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ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The petitioner seeks condonation of delay of 502 days in filing the appeal against the interim order granted under Section 9.

2.The only reason that is assigned is that there are several changes and developments and to avoid multiplicity of proceedings, the appeal is filed. We do not think, this would constitute a sufficient cause within the meaning of Section 5 of the Limitation Act.

3.Apart from the above, we find that the order passed by the learned Single Judge on 13.08.2021 is almost a consent order. We find that the learned Judge has observed that there was no argument on the interlocutory orders that are granted by the Court earlier. Hence, we do not see any reason to condone the delay. This Civil Miscellaneous Petition is therefore, dismissed.

(R.S.M., J.) (R.S.V., J.)
16.02.2024

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Internet:Yes

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Nuetral Citation :No

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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

KKN

C.M.P.No.3509 of 2024
in
OSA(CAD)Sr.No.94257 of 2023

16.02.2024