



C.M.P.No.12380 of 2025
and Appeal (CAD) SR.No.19331 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 14.07.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.P.No.12380 of 2025
and Appeal (CAD) SR.No.19331 of 2025

V. Mahendran

Proprietor of Mahendran Steel, Plot No.D-106,
Sathangkadu Iron and Steel Market, Sathankadu,
Manali, Chennai - 068. Res. at 1A, 21st Street, Union
Cardbide Colony, Kodungaiyur, Chennai - 118.

..Petitioner /
Appellant

Vs

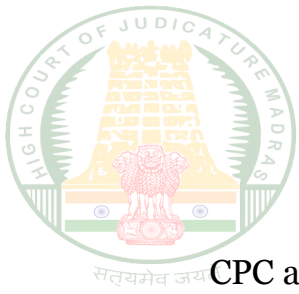
V. Tamilselvan

Proprietor of Shri Dhanalakshmi Irons, No.106/45
and 45 B, Jeeva Nagar, Korukkupet, Chennai - 021.

..Respondent

Prayer in CMP No.12380 of 2025 : Civil Miscellaneous Petition to condone the delay of 55 days in filing the appeal against the judgment and decree passed in COS No.230 of 2023 on the file of the Honble Additional Commercial Court at Egmore, Chennai dated 27.09.2024.

Prayer in Appeal (CAD) SR.No.19331 of 2025 : Appeal under Section 96 of



*C.M.P.No.12380 of 2025
and Appeal (CAD) SR.No.19331 of 2025*

CPC against the judgment and decree passed in COS No.230 of 2023 on the file of the Honble Additional Commercial Court at Egmore, Chennai dated 27.09.2024.

For Appellant : Mr.S.Balaji
for Mr.P.Prakash Paul

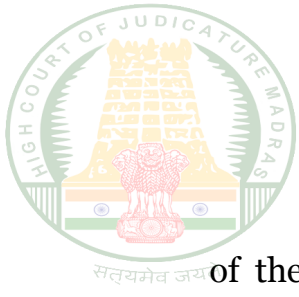
For Respondent : Ms.G.S.Dhanalakshmi
for M/s.S.T.Raja

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This is a commercial appeal impugning the decree and judgment dated 27.09.2024. The reason given in the application for condonation of delay is that he had to arrange court fee of Rs.1,10,000/- to challenge the impugned order and judgment and due to high blood pressure and diabetes, his health suddenly deteriorated and the doctor advised him to take bed rest and treatment resulting in a delay of 55 days in filing the appeal. The delay therefore was neither wilful nor wanton.

2. There is no reference to any doctor also in the affidavit in support



C.M.P.No.12380 of 2025
and Appeal (CAD) SR.No.19331 of 2025

WEB COPY

of the petition. Learned counsel for the appellant tenders four medical certificates, in which Blood Pressure readings appear to be 110/70 on 10.12.2024, 120/80 on 26.12.2024 and 120/80 on 10.01.2025. As regards diabetes, though the handwriting is not legible, it appears to be 328, 324, 198 and 190 mg/dl.

3. At the same time, in the affidavit in reply it is stated that the petitioner as appellant is hotly contesting E.P.No.36 of 2024 on the file of the Additional Commercial Court, Chennai. Learned counsel for the appellant agreed that the appellant is contesting the Execution Petition.

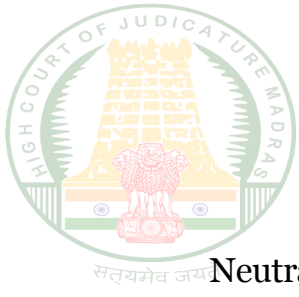
4. Therefore, in our view it is nothing but a lame excuse, which is not acceptable. The Civil Miscellaneous Petition stands dismissed. Consequently, the appeal in Appeal (CAD) SR.No.19331 of 2025 is also dismissed at SR stage.

(K.R.SHRIRAM, C.J.)

(SUNDER MOHAN, J.)

14.07.2025

Index : Yes/No



C.M.P.No.12380 of 2025
and Appeal (CAD) SR.No.19331 of 2025

Neutral Citation : Yes/No

KST

WEB COPY



WEB COPY



C.M.P.No.12380 of 2025
and Appeal (CAD) SR.No.19331 of 2025

THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

KST

To:

The Additional Commercial Court
Egmore, Chennai.

C.M.P.No.12380 of 2025
in Appeal (CAD) No.19331 of 2025



WEB COPY



C.M.P.No.12380 of 2025
and Appeal (CAD) SR.No.19331 of 2025

14.07.2025