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C.M.P.No.13681 of 2025
in Appeal (CAD) SR No.80644 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM

THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.P.No.13681 of 2025
in Appeal (CAD) SR No.80644 of 2025

1.The Manager
Global Ocean Clearing Pvt Limited,
EGA Trade Centre,
8th Floor, A-809, Poonamallee High Road,
Kilpauk, Chennai – 600 010

2.The Managing Director
Global Ocean Clearing Pvt Limited
C-101 Business Square, Chakala,
Andheri Kurla Road, Opp Kanakia
Wall Street, Mumbai-400 093.

Petitioners

Vs

C. Senthil
Proprietor,
Vetrivel Transport,
Old No.249, New No.166,
2nd Floor, Thambu Chetty Street,
Chennai – 600 001.

Respondent



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Petition filed under Order 41, Rule 3(A) of CPC to condone the delay of 64 days in filing the appeal as against the judgment and decree dated 16.12.2024 made in C.O.S.No.703 of 2022.

For Petitioners:

Mr.J.D. Srikanth Varma

For Respondent:

Mr.A. Balasingh Ramanujam

ORDER

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

At the out set, Shri Srikath Varma states that the costs, as directed by this court in paragraph 6 of the order dated 23rd June, 2025, has been paid. Shri Balasingh Ramanujam confirms having received.

2. An additional affidavit of Sivakumar, affirmed on 27th June, 2025, pursuant to the liberty granted by this court, has been filed. From this affidavit, again, we are not satisfied that applicants showed any sense of urgency in meeting the time line prescribed for filing appeal. It only says the management of Mumbai office, after deliberations, suggested filing appeal before the court, which process took about 20 days. Then it says another 20 days took for the counsel to prepare the appeal and get approval



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of the Mumbai office. However, another Director, Anil Verma, was travelling and he insisted that he wanted to look into the papers before the Board could pass any resolution. Therefore, it is quite clear that the party has not found it necessary to strictly comply with the time line prescribed for filing the appeal. If every company, however big or small, takes their own time to decide when they will file an appeal, then every court will be flooded with these kind of applications. Hence, law prescribes a time line.

3. Moreover, the resolution, which we had directed to be filed, only resolves that R.Annadurai, Director of the company, shall be present with R.Sivakumar and monitor the case proceedings. From the affidavit in support filed, the only thing that comes out is Annadurai never thought it necessary to urgently have any appeal filed. The extract tendered in court does not further resolve that Annadurai will issue the true copy of the resolution, but Annadurai, who is present in court, says he was authorised and he shall file an affidavit to that effect and annexe to the affidavit the copy of the original resolution filed. Since Annadurai personally states he was authorised, we accept the statement, but subject to filing the affidavit



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as directed above.

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4. Shri Balasingh Ramanujam, though initially opposed for condoning the delay, informed the court that if the court is inclined to condone the delay, then this being a commercial matter, court should impose costs. Shri Balasingh Ramanujam is not unjustified in pressing for costs.

5. We direct applicants to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as costs and this amount shall be paid during the course of this week by way of cheque drawn in favour of the advocate on record for respondent, who shall give credit for the amount received in his invoice to respondent.

6. C.M.P.No.13681 of 2025 is disposed of, subject to the payment of the amount as stated supra. If the amount is not paid, the appeal itself shall stand dismissed without further reference to the court.



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If amount as directed above is paid, appeal be listed for admission on

21.07.2025.

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

(SUNDER MOHAN, J.)

14.07.2025

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