



A. No. 4741 of 2025
and C.S. No. 35 of 2013

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. No. 4741 of 2025
and C.S. No. 35 of 2013

1. Indian Overseas Bank, R.K.Salai Branch
Rep. by its Chief Manager
No.32, R.K.Salai, Mylapore
Chennai-600 004.
2. Indian Overseas Bank, Spencer Plaza Branch
Rep. by its Chief Manager
G-135H, 3.4 Phase, Spencer Plaza
769, Anna Salai, Chennai-600 002.
3. Indian Overseas Bank, Aminjikarai Branch
Rep. by its Chief Manager
No.409, (Old No.248), Poonamallee High Road
Aminjikarai, Chennai-600 029.

...Applicants

Vs.

1. Dr. Kamakshi Memorial Hospital P. Ltd.
No.1, Radial Road, Pallikaranai
Chennai-600 100.
2. Dr. T.G. Govindarajan
No.1, Radial Road, Pallikaranai
Chennai-600 100.



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3. Dr.T.G.Sivaranjani
No.6, Shandy Road, C.Pallavaram
Chennai-600 043.

4.Dr.T.G.Bhariravi
6/17, 3rd Cross Street
Kasthuribai Nagar, Adyar
Chennai-600020.

5.S.Ganapathy
Flat No.14, Gyan Apartment
38, Venkatraman Street, T.Nagar
Chennai-600 017.

6.S.Venkatramani

G.Pushpalata (died)

7.DSLV Ventures LLC
523, Green Tree Place
Fairborn, Ohio 45324.

8.G.Nandhini

... Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Section 5 of Limitation Act, praying to condone the delay of 2103 days in filing the set aside petition in the above application in C.S. No. 35 of 2013.

For applicant : M/s.V.Rajeswari
For Respondents : Mr.Shabeer Ali
for M/s.Sarvabhauman Associates



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This application has been filed by the defendants 5 to 7 to condone the delay of 2103 days in filing the set aside exparte order in the above application in C.S. No. 35 of 2013.

2. Heard the learned counsel for the applicants and the learned counsel for the respondents.

3. During the last hearing, the matter had been adjourned, at the request of the learned counsel for the respondents to file counter. Today when the matter is taken up for hearing, a counter has been filed by the respondents.

4. However, the only objection being raised by the learned counsel for the respondents is that the applicants having been served the summons on several occasions, he has chosen to remain absent and invited an exparte order. Now, they have come out with an application to condone the delay of 2103 days in filing to set aside the exparte order. Hence, the application should not be allowed.

5. No doubt, the delay is inordinate and the applicants have not chosen to take any immediate steps to set aside the exparte order after coming to know about the same. Even according to the applicants, they



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received copies of the applications in A. Nos. 6095, 6096 and 6097 of 2024 filed by the respondents /plaintiffs for various purposes in the above suit.

6. It is alleged that the applicants happened to see those applications only on 31.12.2025. The above contention of the applicants itself is false because 31.12.2025 is a future date. However, it might be a typographical error instead of 31.12.2024, it has been mentioned as 31.12.2025. Still, the applicants were not vigilant enough to file this application to set aside the exparte order immediately.

7. When the applicants had received the copies of the applications, it is difficult to believe that they have not received any summons in the suit or copies of the pleadings, if any.

8. The suit is still pending. To dispose the suit on merits would serve the purpose better than allowing the Court to pass an exparte decree or dismissal.

9. The inordinate delay made by the applicants without any valid reasons would definitely cause hardship and inconvenience to the respondents, who have filed the suit for recovery of huge suit amount. If



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really the applicants are interested to contest the suit seriously, they should bear the cost for causing the delay. So, I feel, it is appropriate to put the applicants on terms of payment of cost of Rs.6,000/- within a week.

10. The learned counsel for the applicants submitted that the cost of Rs.6000/- has been paid immediately and the said statement is also acknowledged by the respondents.

11. In view of the above reason, this application is allowed. No costs.

10.10.2025

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Dr. R.N.MANJULA, J.

Maya

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