



Application No. 2778 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

Application No. 2778 of 2025
in O.P. No. 803 of 2017

1. Mrs.K.Meenakshi

Sole Proprietor

M/s.Saraswathi Builders

No.3033/B, 5th Cross Street

Madipakkam, Chennai-600091.

2. Mr.C.Kailasam

S/o.Mr.P.Chokkalingam

M/s.Saraswathi Builders

No.3033/B, 5th Cross Street

Madipakkam, Chennai-600091.

3. Mr.S.Subramanian

S/o.Late R.G.Sankaralingam

No.L/61-J, Bharathidasan Colony

K.K.Nagar, Chennai-600078.

...Applicants

-VS-

M/s.New Link Overseas Finance Ltd.

Rep. by its Managing Director

Mamatha Complex II Floor

25, Whites Road, Chennai-600014.

..Respondent



Application No. 2778 of 2025

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PRAYER: Application filed under Order 14 Rule 8 of the O.S. Rules read with Section 151 of CPC praying to restore the main O.P. No. 803 of 2017 which was dismissed for default on 15.07.2019.

For Applicants : Mr.S.Rathnasabapathy

For Respondent : Mr.R.Prasanna Vineeth Durai

ORDER

Admittedly, the applicants have complied with the conditional order dated 22.11.2024 passed by this Court by paying a sum of Rs.10,00,000/- to the respondent within the time frame stipulated in the said order.

2. Earlier, this Court had allowed the condone delay application filed by the applicants seeking to condone the delay in filing the application seeking to restore the main O.P. viz., O.P. No. 803 of 2017, which was dismissed for default on 15.07.2019. Since the said application has been allowed and the condition imposed by this Court though this Court's order dated 22.11.2024 has been complied with, this application filed to restore the main O.P. viz., O.P. No. 803 of 2017, which was dismissed for default on 15.07.2019, has to be allowed.



Application No. 2778 of 2025

WEB COPY

3. A common affidavit has been filed by the applicants in support of the condone delay application as well as in support of this application to restore the main OP, which was dismissed for default on 15.07.2019. While allowing the condone delay application, this Court has allowed the said application observing that sufficient cause has been shown by the applicants for condoning the delay. Therefore, since sufficient cause has been shown by the applicants and the applicants have also complied with the conditional order passed by this Court in the condone delay application by paying the sum of Rs.10,00,000/- to the respondent within the stipulated time, this application has to be allowed as prayed for.

4. Even though the learned counsel appearing for the Administrator for the respondent-company seeks time to file counter in this application, the request is rejected by this Court in view of the fact that while allowing the condone delay application, this Court has observed that the applicants have shown sufficient cause for filing the condone delay application.



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Application No. 2778 of 2025

ABDUL QUDDHOSE, J.

Maya

5. Accordingly, this application is allowed as prayed for by restoring the main O.P. viz., O.P. No. 803 of 2017 to the file of this Court, which was dismissed for default on 15.07.2019.

6. Registry is directed to list O.P. No. 803 of 2017 'for arguments' on 31.07.2025.

23.06.2025

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Application No. 2778 of 2025
in O.P. No. 803 of 2017