



A. No. 4735 of 2024
in C.S. No. 81 of 2009
and C.S. No. 81 of 2009

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

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in C.S. No. 81 of 2009
and C.S. No. 81 of 2009

M/s.Supersight Ceequence Technologies Ltd.
Represented by its Director
G.T.Mahesh Kumar
Having Office at
No.66/67, Gowdia Mutt Road
Royapettah, Chennai-600014.

...Applicant

Vs.

1.M/s. Newlink Overseas Finance Ltd.
New No.25, (Old No.13)
Whites Road, Chennai-600 014
Rep. by its Managing Director
Mr.A.Namasivayam

2.Utsav Seth
3.Rajesh Somasundaram
4.Ravi Patwari

... Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order 9 Rule 9 of Code of Civil Procedure, praying to condone the delay of 2105 days in filing petition to set aside



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the exparte decree dated 24.11.2016 passed by this Court in C.S. No. 81 of 2009 and restore the suit.

For applicant : Mr.S.Arivazhagan

For Respondents : Mr.R.Mukundan (DD1 & 2)
Mr.M.Aravind Subramanian (SC)
Mr.M.J.A.S.Sathish Kumar (DD3 & 4)

ORDER

This application has been filed by the applicant /1st defendant to condone the delay of 2105 days in filing petition to set aside the exparte decree dated 24.11.2016 passed by this Court in C.S. No. 81 of 2009 and restore the suit to file.

2. The learned counsel for the applicant submitted that the summons had not been served upon the defendants 1 and 2. However, the record would show that service against the defendants 1 and 2 had been completed as early as on 14.06.2010 and they had been set exparte on 22.02.2011.

3. The suit for recovery of money against the defendants had been filed by the 1st respondent /plaintiff.



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4. The Defendants 3 and 4 had entered appearance and contested the suit and thereafter, at the conclusion of the trial and hearing arguments, the suit had been decreed on 24.11.2016.

5. The learned counsel for the applicant submitted that the defendants were not in the Country, at the relevant point of time and the defendants 3 and 4 were colluded with the plaintiff and obtained a decree behind their back.

6. As against the contesting defendants/ defendants 3 and 4, the suit had been dismissed and as against the defendants 1 and 2, the suit had been decreed only. Hence, the judgement is passed on merits, even though the defendants 1 and 2 remained set exparte.

7. Having effected the service of summons ultimately through the mode of substituted service, the service of summons as against the defendants 1 and 2 had been recorded as completed.



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9. In fact, the decree passed cannot be construed just an exparte decree as the defendants 3 and 4 had contested the suit and the decree had been passed on merits.

10. Hence, the application stands dismissed. No costs.

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Dr.R.N.MANJULA, J.

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