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C.R.P.No.5526 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5526 of 2025
and C.M.P.No.27770 of 2025

M/s.Sree Dhaksha Property Developers (P) Ltd.,
Rep. by its Authorized Signatory
No. 1, Gandhi Layour
Maruthamalai Main Road
Vadavalli
Coimbatore – 641 046

... Petitioner

VS.

M/s. Protect Coatings
Rep. by its Sole Proprietor Mrs.R.Meenakshi
No.289, 183, 2nd Street
Gandhipuram
Coimbatore – 641 012

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 16.09.2025 made in I.A.No.1 of 2025 in Filing No.COS.No. 85 of 2025 on the file of the learned Judge, Commercial Court, (District Judge Cadre) Coimbatore by allowing this Civil Revision Petition.

For Petitioner : Mr.N.Ponraj

ORDER



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2. The plaint was submitted by the respondent seeking recovery of money against the petitioner. The plaint was returned on 12.02.2025 raising certain objections. The plaint was represented with a delay of 112 days. In the affidavit filed in support of the condone delay petition, it was stated by the respondent/plaintiff that in order to address the queries raised in the returned plaint, the respondent/plaintiff had to obtain statement of accounts from the Banker and Certificate under Sections 61 to 63 BSA for email communications and in the said process, the delay had occurred. Having satisfied with the reason assigned in the affidavit, the Trial Court condoned the delay of 112 days in representing the returned plaint. Aggrieved by the same, the petitioner/defendant has come before Court.

3. It is seen from the records the delay in representation of



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unnumbered plaint has been condoned by the Trial Court. Before numbering the suit, the petitioner/defendant has no *locus* to oppose the delay.

4. It is settled law that the delay in representation is a matter between the Court and the litigant/plaintiff and before numbering of the plaint, the defendant cannot object to the condonation of delay in representation. Further, on merits also, the respondent/plaintiff has given convincing reason for condoning the delay. Therefore, I do not find any error in the impugned order passed by the Trial Court.

5. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

10.11.2025

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

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To

The Commercial Court, (District Judge Cadre),
Coimbatore.



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S.SOUNTHAR, J.

dm

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