



WEB COPY

A No. 188 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**A No. 188 of 2026
in C.S.(Comm.Div.) No.245 of 2022**

1. Thirupathi Brothers
Rep by its Partner Mr NSubash Chandra Bose
No.16 Lamech Street Janaki Nagar
Valasaravakkam Chennai 600 087
2. N Lingusamy
No 16 Lamech Street Janaki Nagar
Valasaravakkam Chennai 600 087
3. Subash Chandra Bose
No 16 Lamech Street, Valasaravakkam Chennai
600 087

..Applicant(s)

Vs

A.Roshnan
D-block No.3c,
A.V.M Asta, A.V.M.Studio,
No.38, Arcot Road, Vadapalani,
Chennai - 600 026.

..Respondent(s)

Prayer: To set aside the set exparte order as against applicants/defendants 1 to 3 dated 27 07 2023 in C S Comm No 245 of 2022 on the file of the Honble Court.



For Applicant(s):

Mr.D.Prabhu Mukunth Arunkumar

For Respondent(s):

Ms.Kanimozhi Mathi

ORDER

The defendants have filed this application to set aside the order dated 27.07.2023 setting the defendants *ex parte* in the suit.

2. In the affidavit in support of the application, it is stated that the applicants were concentrating on the release of the movie IDAM PORUL YAEVAL because an application had been filed for the appointment of an Advocate Commissioner in relation thereto. It is also stated that the applicants discovered that the suit had remained unrepresented only while segregating papers in the office during Deepavali in the year 2025.

3. The plaintiff opposes this application on the ground that the applicants have not established reasonable cause. Learned counsel submits that the applicants were aware about the suit but took no steps to contest the suit.

4. On account of not filing the written statement within the long stop date of 120 days, the applicants / defendants have forfeited their right to file the written statement. This was recorded in order dated 27.07.2023. Therefore, the applicants are no longer in a position to adduce evidence in the suit. The applicants would, however, be in a position to cross examine the plaintiff's witness and submit written and oral arguments, if permitted to contest the suit.



5. Subject to putting the applicants on terms, the interest of justice warrants allowing this application. Therefore, this application is allowed on the following terms:

(i) The applicants shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) as costs to the plaintiff within three weeks from today.

(ii) Parties are directed to submit draft issues and an agreed schedule for recording the cross examination of the plaintiff's witness on the next date of hearing. The applicants shall extend full cooperation for the conclusion of trial and oral arguments expeditiously.

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SENTHILKUMAR RAMAMOORTHY, J.

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