



O.S.A.(CAD) Nos.24 and 25 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI

O.S.A.(CAD) Nos.24 and 25 of 2026 and
C.M.P. Nos.5384, 5385 and 5386 of 2026

1. Gajendran
2. M.G.Vasanth Kumar ... Appellants in both OSA's

Versus

1. M/s.Everest Blue Metals
No.2523, Veppilai Mettur Village
V.Kongarapatti Panchayat Office
Kadaiyampatti Taluk
Salem District – 636 351
2. R.Munirathinam
3. M.Raja ...Respondents in both OSA's

Common Prayer: Original Side Appeal filed under Order XXXVI Rule 1 of
Original Side Rules read with Clause 37 of Arbitration and Conciliation Act



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read with Section 13 1(A) of Commercial Court Act, to set aside the order dated 23.10.2025 passed in A.Nos.4874 and 4872 of 2025 in Arb.OP.SR.No.95844 of 2023.

In both OSA's

For Appellant : Mr.T.C.Gopalakrishnan
For Respondents : Mr.D.Shivakumaran

COMMON ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

This Original Side Appeal (Commercial Appellate Division) has been filed to set aside the order dated 23.10.2025 passed by the learned Single Judge in A.Nos.4874 and 4872 of 2025 in Arb.OP.SR.No.95844 of 2023.

2. The learned counsel for the appellant submitted that the appellant had originally filed the Arbitration O.P. and the same was returned for some reasons. Though the party had given the entire amount to his erstwhile counsel towards Court fee as well as his professional fee, when the representation took place in the year 2025, it came to light that the erstwhile counsel had not paid the adequate Court fee and instead he has presented the petition by merely affixing the Court fee of Rs.10/-. Since the entire Court fee was not filed within time, he filed two applications in A.Nos.4874 and



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4872 of 2025 to condone the delay of 690 days in re-presenting the papers and to condone the delay of 690 days in paying deficit Court fee of Rs.1,01,000/-. The learned Single Judge failed to consider the same and dismissed the applications. Hence, the present appeals have been filed.

3. Heard both sides and perused the materials available on record.

4. The learned Single Judge failed to consider the fault of the erstwhile counsel. Due to the fault on the part of the counsel, no party should be made to suffer. Therefore, the order passed by the learned Single Judge is set aside and the matter is remitted back to Registry.

5. Registry is directed to take the Arbitration O.P. on file if the papers are otherwise in order and shall ensure that the original Arbitration Award is filed along with the O.P.

6. Accordingly, these appeals are allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

[P.V.,J.] [K.G.T.,J.]
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P.VELMURUGAN, J.,
AND
K.GOVINDARAJAN THILAKAVADI.J.,

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