



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**A Nos. 1053 and 1054 of 2026
in C.S(COMM DIV) No. 205 of 2025**

A.No.1053 of 2026

FRETLOG India Pvt Ltd
(Owners and parties interested in
FRETLOG India Pvt. Ltd.)
Sanjona Chambers, 10th Floor, Office No.1002
Opp. IIPS BKSD Marg, Govandi Station Road,
Mumbai - 400 088

.. Applicant

Vs

1. M/s.TMT Cold Storage Private Limited
Authorized Signatory Mr.C.Karthikeyan
No 51 Krishnadass Road
Jamaliya Chennai 600 012.
2. John Praveen Reginold
rep. By its Whole Time Director
Fretlog India Pvt. Ltd., Prince Tower,
1st Floor, Door No 52/53, College Road,
Nungambakkam, Chennai-600 006.
3. Pradeep Ars Alwar
rep. By its Managing Director
Fretlog India Pvt. Ltd., Prince Tower,
1st Floor, Door No 52/53, College Road,
Nungambakkam, Chennai-600 006.
4. Muharrem Dursun
rep. By its Managing Director &
Company Secretary
Fretlog India Pvt. Ltd., Prince Tower,
1st Floor Door No 52/53, College Road,
Nungambakkam, Chennai-600 006.

..Respondents



A.No.1054 of 2026

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Shri.John Praveen Reginold
rep. By its Whole Time Director
Fretlog India Pvt. Ltd.,
Prince Tower, 1st Floor,
Door No.52/53, College Road,
Nungambakkam, Chennai – 600 006.

.. Applicant

Vs.

- 1.M/s.TMT Cold Storage Private Limited
Authorized Signatory Mr.C.Karthikeyan
No 51 Krishnadass Road
Jamaliya Chennai 600 012.
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(Owners and parties interested in
Fretlog India Pvt. Ltd.)
Sanjona Chambers, 10th Floor,
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Fretlog India Pvt. Ltd., Prince Tower,
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..Respondents

Prayer in **A No. 1053 of 2026**: Application filed under Order XIV Rule 8 and Order XIV Rule 10 of Original Side Rules read with Section 5 of the Limitation Act to condone the delay of 148 days in the Applicant filing the leave to defend application and accept the Leave to Defend Application on file.



Prayer in **A No. 1054 of 2026:** Application filed under Order XIV Rule 8 and Order XIV Rule 10 of Original Side Rules read with Section 5 of the Limitation Act to condone the delay of 156 days in the Applicant filing the leave to defend application and accept the leave to defend application on file.

For Applicant(s): Mr.S.P.Sudharshan
for M/s.Joy Thattil Ittoop
in both applications

For Respondent(s): Mr.B.Janakiram for R1
in both applications

COMMON ORDER

The first and second defendants in the suit earlier filed A.No.272 of 2026 to condone the delay in filing the written statement. Said application was dismissed on 21.012026 upon noticing that the suit is framed as summary suit. Thereafter, the present applications have been filed by the first and second defendants seeking to condone the delay in filing leave to defend applications.

2. Learned counsel for the applicants/first and defendants submits that the suit summons was not served in the prescribed form for a summary suit. It is further submitted that this resulted in the misconception that it is a regular suit. Learned counsel also submits that the applications could only be filed after the applicants became aware that it is a summary suit and not a regular suit.



3. These applications are opposed by learned counsel for the plaintiff. Learned counsel submits that the applications were filed only on 16.02.2026 and not within ten days from the date of order dated 21.01.2026.

4. The time limit for filing the leave to defend application runs from the date on which summons is served in Form No.13A or Form No.13B of Appendix II to Order VII of the Original Side Rules. From the materials on record, it appears that the suit summons to the second defendant was issued in Form No.13 and not in Form No.13A or Form No.13B. Considering the said position, misconception on the part of the defendants is understandable. Therefore, these applications are allowed by holding that sufficient cause has been shown. Consequently, the Registry is directed to number and list the applications for leave to defend on 30.03.2026.

09.03.2026

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A Nos. 1053 & 1054 of 2



SENTHILKUMAR RAMAMOORTHY J.

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09.03.2026