



WEB COPY

CRP No. 1998 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1998 of 2026

AND

CMP NO. 8909 OF 2026

1. Moti and Company
A Partnership Firm,
Represented by its Partner,
Shantichand Golecha,
Carrying on business at
No.6, Appakannu Mudali Street,
Royapettah, Chennai -600 014.
2. Shantichand Golecha,
Son of late Motichand Dolecha,
Partner, M/s.Moti and Company,
No.6, Appakannu Mudali Street,
Royapettah, Chennai -600 014.
3. Ritu Golecha,
W/o.Sanjay Golecha,
Partner, M/s.Moti and Company,
No.6, Appakannu Mudali Street,
Royapettah, Chennai -600 014.
4. Sanjay Golecha,
S/o.Late Motichand Golecha,
Old No.190, New No.396,
Avvai Shanmugam Road,
Chennai -600 086.
Munna Kavar Golecha (Died)
5. Sharmila Bafna,
D/o.Late Motichand Golecha,
Maharani Mansion,
D Block, Road No.2, 36,
C.M.Area, Jamshedpur -831 001.

..Petitioner(s)



Vs

Prasanchand Golecha,
Old No.190, New No.396,
Avvai Shanmugam Road,
Chennai -600 086.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the impugned order dated 13.03.2026 passed by the learned Principal Commercial Court, Egmore, Chennai, in I.A.No.4 of 2026 in C.O.S.No.122 of 2024.

For Petitioner(s): Mr.A.Ramesh Kumar

ORDER

Aggrieved over the impugned order passed in I.A.No.4 of 2026 in C.O.S.No.122 of 2024 by the Principal Commercial Court, Egmore, Chennai,, the Revision Petitioners/defendants preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the Principal Commercial Court, Chennai, notice to the respondent is dispensed with.

3. Before the trial court, the Revision Petitioners have filed an application in I.A.No.4 of 2026 under Order IX Rule 7 of C.P.C. to set aside the exparte order passed against them dated 24.02.2026 immediately after the said order, but the trial judge held that they have not cross-examined P.W.1 though sufficient opportunity was given to them and the case was posted for judgment. Therefore, the trial judge was not inclined to allow the application.



3. The learned counsel for revision petitioners pointed out that already there was a joint memorandum of compromise entered between the parties in C.S.No.472 of 2015 and they are having valid case. If opportunity is not given to them, their valuable right to defend the case would be defeated, since the present suit is older suit. Originally, it was filed before the Original Side of this court in C.S.No.104 of 2004, which was transferred and numbered as C.O.S.No.122 of 2024. Therefore, all these years, the revision petitioners/defendants are contesting the case and they are also relatives. If opportunity is not given, their valuable right to defend the case will be defeated. Therefore, to set aside the exparte order, they have filed application immediately and on that day, their counsel was engaged in other court and the trial court is not inclined to hear the arguments of junior counsel, who had appeared. Therefore, he prayed to set aside the order passed by the trial judge.

4. Considering his submissions as well as considering the facts and circumstances of the case, this Court is inclined to set aside the findings rendered in I.A.No.4 of 2026 in C.O.S.No.122 of 2024 by the Principal Commercial Court, Egmore, Chennai and to allow the I.A.No. 4 of 2026. The revision petitioners are directed to co-operate with the trial proceedings. The trial judge is directed to give an opportunity to both parties and on hearing both sides, the trial judge is directed to proceed with the matter and dispose of the



case in the manner known to law. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

07-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Principal Commercial Court, Egmore, Chennai.



WEB COPY

CRP No. 1998 of 2



T.V.THAMILSELVI J.

RPP

**CRP No. 1998 of 2026
AND
CMP NO. 8909 OF 2026**

07-04-2026