



A No. 5424 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

A No. 5424 of 2025

AND

ARB O.P(COM.DIV.) SR. NO. 48690 OF 2024

Kavitha J
W/o.Jayakumar
D No. 6/44, Paraiyur,
Eluppanatham Village, Mettupalayam
Taluk, Coimbatore-
641302.W/o.Jeyakumar, D No. 6/44,
Paraiyur, Eluppanatham Village,
Mettupalayam Taluk,
Coimbatore - 641 302.

Applicant(s)

Vs

M/s.Five Star Business Finance Limited
New No.27, Old No.4, Taylors Road,
Kilpauk, Chennai - 600 010.

Respondent(s)

For Applicant(s): Mr.S.Hasthisha Desikan
For Respondent(s): Ms.Denipa D
for
Mr.Ajmal Azzath

ORDER

This application has been filed to condone the delay of 417 days in
paying the deficit Court fees of Rs.1675.55/-.



2. Heard Mr.S.Hasthisha Desikan, learned counsel for the applicant and Ms.Denipa D, learned counsel for respondent.

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3. The applicant has filed a petition challenging the award passed by the sole arbitrator dated 11.07.2022. The petition was filed initially on 07.01.2025. The papers were returned by pointing out to certain defects on 20.02.2025. After rectifying the defects pointed out, the papers were re-presented on 08.04.2025. At the time when the papers were returned, the registry did not point out any deficit court fees.

4. The papers that were represented on 08.04.2025 was once again returned on 29.05.2025 by pointing out to some more defects, which included deficit court fees of Rs.1675.55/-.

5. The papers were represented on 05.08.2025 along with the payment of deficit court fees.

6. It is under these circumstances, the present application has been filed before this Court to condone the delay in paying the deficit Court fees.

7. Even though, the delay is shown as 417 days in paying the deficit Court fees, the said calculation of the delay is not correct.



8. When the papers were returned initially on 20.02.2025, the registry did not point out to any deficit Court fees. Thereafter, when the papers were once again returned on 29.05.2025, the Registry after taking into account the initial Court fee paid by the petitioner to the tune of Rs.16,127/- pointed out that there is a deficit Court fees of Rs.1675.55/-. Therefore, for the first time the deficit Court fee was informed to the learned counsel for the petitioner only on 29.05.2025. Hence, that date must be taken to be the starting point. The papers were represented on 05.08.2025 along with the payment of deficit Court fees. At that point of time, there was only a delay of 68 days in paying the deficit Court fees.

9. Considering the facts and circumstances of the case and the fact that a major portion of the deficit Court fee has already been paid by the petitioner at the time of filing the petition and what remained was a paltry amount of Rs.1675.55/- and this deficit Court fee was paid within the condonable period, this Court is inclined to condone the delay in payment of the deficit Court fees.

10. In the result, the delay in payment of the Court fees is condoned and this application stands allowed. The registry is directed to number the petition and post it for admission. The learned counsel for the petitioner is



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permitted to serve all the papers on the learned counsel for respondent. The name of the learned counsel for respondent shall be printed in the cause-lists.

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17-02-2026

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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N.ANAND VENKATESH J.
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1.M/s.Five Star Business Finance
Limited
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Eluppanatham Village, Mettupalayam
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