



WEB COPY



C.M.P. No.1174 of 2026
in
Appeal (CAD) SR.No.190514 of 2025

P.VELMURUGAN,J.
and
K.GOVINDARAJAN THILAKAVADI,J.

This miscellaneous petition is filed to condone the delay of 49 days in filing the Appeal against the Counter Claim by the Additional Commercial Court, Egmore, Chennai, made in I.A.No.05/2025 in C.O.S.No.268 of 2023, dated 18.06.2025.

2. The learned counsel for the appellant would submit that since a common decree was passed, a common appeal was filed. However, since the Registry has returned the papers with a direction to file separate appeals, the delay of 49 days had occurred.

3. The learned counsel for the respondent would submit that though the appellant has filed one appeal on time, the present appeal was filed with a delay of 79 days and the appellant has also not given valid reasons to condone the delay. Hence, he sought for dismissal of the present condone delay petition.



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4. On perusal of the records, it is seen that the Commercial Court had decided the Suit as well as the Counter Claim by passing a common decree. This Court is of the view that the onus is upon the Commercial Court to have passed a separate decree instead of a common decree, which is against the provisions. Since the mistake is committed by the Court, the parties should not be suffering and thus, this Court, on being satisfied with the reasons stated by the learned counsel for the appellant, is inclined to condone the delay.

5. Accordingly, the delay is condoned.

[P.V.,J.] [K.G.T.,J.]
07.04.2026

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Note:

- 1.Registry is directed to number the Appeal, if the papers are otherwise in order, and post the matter along with Appeal (CAD) No.72 of 2025.
- 2.Registry is directed to instruct all the Commercial Courts to prefer separate decrees, whenever a common judgment is passed.

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