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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

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

CRP No. 2589 of 2026

AND

CMP NO. 10923 of 2026

Shaan IT Solutions (Pvt) Ltd
Rep. by its Director, K.Umashankar,
No.55/26B Moorthy Street Extension,
West Mambalam, Chennai-33.

Office at
No.24, North Usman Road, T.Nagar,
3rd Floor, Chennai-17.

..Petitioner(s)

Vs

D.Umasaravanan
Proprietor M/S. Falcon Implex,
No.259, 4th Cross Street,
Burma Colony, Perungudi,
Chennai-96.

Currently having office at,
No.936A, First Floor,
First Main Road,
Venkateswara Nagar,
Perungudi,
Chennai-96.

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Order dated 02.04.2026 in IA No. 5 of 2026 in COS No. 1092 of 2022 on the file of Principal Commercial Court, Egmore, Chennai.



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For Petitioner(s):

Mr.K.J.Parthasarathy

For Respondent(s):

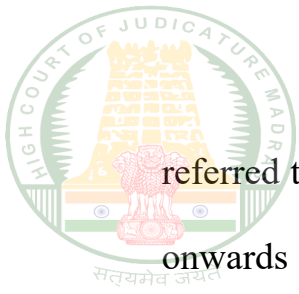
Mr.N.Srinivas Jayaprakash

ORDER

Challenging the impugned order dated 02.04.2026 in IA No. 5 of 2026 in COS No. 1092 of 2022 on the file of Principal Commercial Court, Egmore, Chennai, the petitioner has filed this revision petition.

2. The petitioner has filed an application before the trial court under Order VIII Rule 1 of Commercial Courts Act seeking permission of the court to receive written statement, but the court has dismissed the said application on hearing the objection of the plaintiff holding that the said statement was not filed within 120 days from the date of filing of his appearance. Aggrieved over the same, the petitioner has filed this revision.

3. The learned counsel for the revision petitioner submits that already an *ex parte* decree was passed against him on 07.01.2020 and to set aside the same, he moved the application which ended in SLP proceedings in SLP No.23645 of 2025. Since there was a delay on their part and after condonation of delay was allowed in CRP No.3238 of 2025 and accordingly, *ex parte* decree was set aside and the suit was restored on 17.09.2025. Thereafter, the matter was



referred to mediation. When the mediation was failed on 13.11.2025, from that onwards within 120 days he filed statement on 23.01.2026 but the court below failed to exclude the pending period of mediation and erroneously conclude that the statement was not filed within 120 days. Therefore, he prayed to set aside the findings of the trial court, which is erroneous.

4. The learned counsel for the respondent submits that the suit is of the year 2019. Due to the defendant's non-appearance, ex parte decree was passed on 07.01.2020. Thereafter, they come forward with the application to condone the delay and the same was allowed in CRP No.3238 of 2025 and after that the matter was referred to mediation but the mediation failed on 13.11.2025. But when the ex parte decree was set aside from that day onwards the limitation period starts. Therefore, the defendant ought to have filed a written statement within 120 days from the date of the *ex parte* decree, but he had filed belatedly. Therefore, the court below rightly dismissed the application which requires no interference.

5. Considering the fact which reveals that on 07.01.2020 an ex parte decree was passed against the defendant was set aside and the suit was restored on 17.09.2025. The defendant taken steps to set aside the ex parte decree in the year 2024 with a delay of 449 days and the suit was restored on 17.09.2025 and thereafter, the matter was referred to mediation and which failed on 13.11.2025.



On 23.01.2026, the defendant has filed a written statement, however, which is 120 days from the date of the mediation failed but not from the date of the ex parte decree. The fact that since the matter is pending before the mediation and there is no possibility to settle the issue and therefore, the defendant has not been filed any written statement that cannot be considered as wilful one. Therefore, on expecting the mediation, the statement was not filed which is not considerable lapse on the part of the defendant. Therefore, an opportunity is given to the defendant to analyse the value. Therefore, the order of the trial judge is set aside. The trial judge is directed to dispose of the case within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is allowed. The impugned order dated 02.04.2026 in IA No. 5 of 2026 in COS No. 1092 of 2022 on the file of Principal Commercial Court, Egmore, Chennai, is set aside. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MTL

To

1. The Principal Commercial Court, Egmore, Chennai.



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CRP Nos. 2584 & 2585 of 2



T.V.THAMILSELVI J.

MTL

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