

C.M.P. No.4844 of 2026 in OSA(CAD)Sr. No.98833 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2026

CORAM

THE HONOURABLE Mr.JUSTICE P. VELMURUGAN

AND

THE HONOURABLE Mrs.JUSTICE K. GOVINDARAJAN

THILAKAVADI

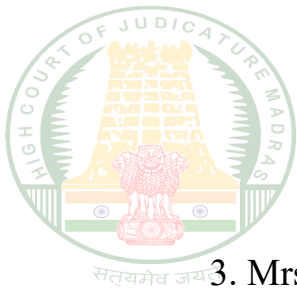
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OSA(CAD)Sr. No.98833 of 2025

The New India Assurance Co. Ltd.,
Chikmagalur Panduranga Complex,
Kollapuradma Temple Street
Chikmagalur, Karnataka 577 101

... Petitioner

Vs.

1. M/s. Sundaram Finance Limited,
No.21 Patullos Road,
Chennai 600 002
Represented by its Manager – Legal Authorized Signatory
Srinivasan R.
2. Green Tech Star
(The Borrower)
Represented by its Proprietor Mrs. Bhavitha D,
2nd Floor, C-51 8th Main
No. 359, 4th Phase 7th Block
Guru Raja Layout BSK 3rd Stage
Bengaluru, Urban
Karnataka 560 085



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3. Mrs. Bhavitha D

4. Rahul Kamble (The Guarantor)

... Respondents

Petition filed under Order XIV Rule VIII of O.S. Rules to condone the delay of 191 days in filing the present Original Side Appeal.

For Petitioner : Mr.SP. Chockalingam
For Respondents : Mr.M. Arunachalam for R1
M/s. Nathan Associates
for R2 to R4

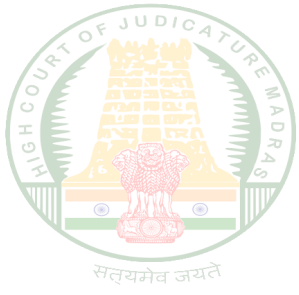
ORDER

[Order of the Court was delivered by P.VELMURUGAN, J.]

The present petition is filed to condone the delay of 191 days in filing the above Original Side Appeal.

2. The learned counsel for the petitioner would submit that, the petitioner after receiving the notice, approached the Court for getting the back papers for obtaining instructions to file vakalat and to contest the case. Since the case was already disposed of, they were not in a position to get any particulars to file the appeal and hence the delay.

3. Heard the counsel for the petitioner. Records perused.



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4. Though notice was served on 23.09.2024 itself, since there was no appearance on the side of the petitioner herein, the learned Single Judge passed the impugned order only on 22.10.2024. Even according to the petitioner, he filed the vakalat only on 25.06.2025. When the notice was served on 23.09.2024, a prudent person would act in accordance with law. The petitioner is not a layman and is a Public Sector Undertaking and therefore, they cannot say that, after receiving the notice they kept quiet for more than 6 months and thereafter, they went to file vakalat before the Registry and since there was no proceeding pending, the vakalat was returned. Hence, the reasons stated in the accompanying affidavit filed in support of this petition is not satisfying and therefore, the present Civil Miscellaneous Petition is dismissed. Consequently, OSA(CAD)Sr. No.98833 of 2025 is rejected.

[P.V., J.]

[K.G.T., J.]

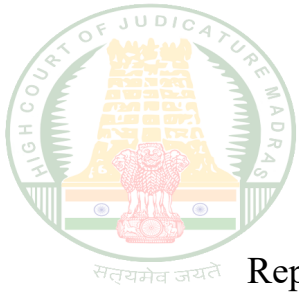
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To

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No.21 Patullos Road,
Chennai 600 002

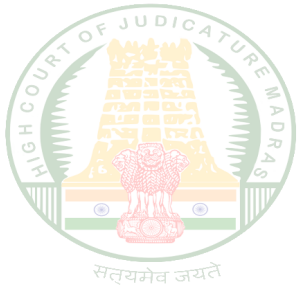
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**P. VELMURUGAN, J.
AND
K. GOVINDARAJAN THILAKAVADI, J.**

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