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CRP No. 510 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-08-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 510 of 2026 and CMP No.2751 of 2026

1. MSZ Logistics Pvt. Ltd
Rep. by its Director, Mr.Bhubesh Meiran,
33/93, 2nd Floor, Coral Merchant Street,
Broadway, Chennai-600 001. Also at
Mr.Bhubesh Meiran, No.273, D4 Block,
(4th Floor Room No.4) VGN Minerva,
VGN Nagar, Guruswamy Road,
Adayalampattu Village Road, Nolambur,
Chennai-600 095.

Petitioner(s)

Vs

1. Harshavarthan Transport
Rep. by its Proprietor, Mr.Nagaraj, Having
Office at No.1/1A, New Jawarlal Nehru 200
Feet Road, Madhavaram, Chennai-600 060

Respondent(s)

Revision filed under Section 115 of Civil Procedure Code to call for the records relating to the order and decree dated 03.12.2025 made in I.A.No.3 of 2025 in O.S.No.5569 of 2023 passed by the 21st Assistant City Civil Court, Chennai and set aside the same.

For Petitioner(s): Mr. E.Vinothkumar

For Respondent(s): Mr.M.Arun
For Mr.T.K.S.Gandhi



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ORDER

The revision petitioner is the defendant in O.S.No. 5569 of 2023 before the 21st Assistant Judge, City Civil Court, Chennai. The suit has been filed for recovery of alleged monies due from the petitioner/defendant. The long cause title in the suit mentioned the registered address of the Company as well as the residential address of its Director Bhubesh Meiran.

2. Heard the counsel for the parties.

3. The summons sent to the petitioner/defendant Company to the registered address of the Company was returned with an endorsement “no such person”. However, summons was also permitted to be sent to the residential address of the Director who continues to represent the petitioner Company even in the present revision. The said summons sent to the residential address of the Director, who now represents the petitioner Company was served privately. Despite such private service of summons, the Court also directed publication in a leading issue of Tamil Daily having circulation in the city of Chennai mentioning both the addresses viz., the registered address of the

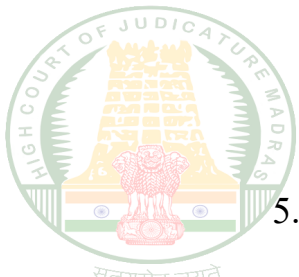


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Company as well as the residential address of the Director representing the defendant

Company. The publication in terms of the permission granted by the trial Court was taken and thereafter the petitioner/defendant was called and set exparte. The exparte evidence was also recorded and thereafter, the suit came to be decreed.

4. Learned counsel for the petitioner states that admittedly the petitioner was never served with summons and the service was only on the Director, that too, at his residential address at which point of time, he was no longer incharge of the Petitioner Company. He would therefore states that it is not proper service of summons as contemplated under the provisions of Civil Procedure Code. He would therefore pray for a fair opportunity being granted to the petitioner to contest the suit on merits, especially since the suit has been decreed exparte against a Company which is a separate legal entity. Learned counsel for the petitioner also states that as on the date of receipt of summons at his residential address, he had already parted with his interest in the Company and he was no longer a Director and the entire management of the Company was handed over to one Manokaran Vignesh. He would therefore state that the Company should not be prejudiced on account of improper service of summons on an erstwhile Director.



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5. Per contra, learned counsel for the respondent would firstly submit that even in the plaint, the address of the petitioner-Director was mentioned and the Court also permitted taking summons to both the registered address of the Company as well as the residential address of the Director. Insofar as the registered address of the Company, summons sent was no doubt returned “unserved”, however, the summons was served at the residence of the Director who was representing the petitioner Company then. Learned counsel for the respondent also relies on his typed set of papers dated 20.02.2026, in and where by it is seen that the same Director Bhubesh Meiran was having contact with the respondent/plaintiff even as late as in 2023. It is not in dispute that the Director of the petitioner Company has received summons even prior to the defendant being set exparte in the suit.

6. I have carefully considered the submissions advanced by the learned counsel on either side.

7. It is admitted fact that the petitioner/defendant is represented by one Bhubesh Meiran, who, even according to his contention in the revision, as well as in the affidavit filed in support of the condone delay application is that he is no longer a Director of the Company. In such view of the matter, I am unable to countenance the



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arguments of the petitioner that the application for condoning the delay of 594 days in seeking to set aside the ex parte decree was erroneously dismissed without noticing that summons had not been served on the Company. I am unable to see how the application for setting aside the ex parte decree was maintainable before the trial Court when it has been filed by the petitioner Company represented by a former erstwhile Director and not by the present Director.

8. It is the case of the petitioner erstwhile Director Bhubesh Meiran that he has already transferred his subsisting interest on 16.09.2022. Therefore, the petitioner Company which had a separate legal entity can only be represented by an authorised person who is entitled to represent the Company in law. The representation of the Company by an erstwhile Director, merely because the cause title in the suit reflected that the erstwhile Director represents the petitioner Company does not entitle the former Director of the Company to represent the defendant and take out an application.

9. Be that as it may, it is not as if the erstwhile Director was not aware of the filing of the suit. Summons were admittedly served on the said Director and he did not choose to even inform the subsequent Director who have taken over charge of the affairs of the Company and now, conveniently, the same erstwhile Director comes



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before the Court and seeks to set aside the exparte decree, contending that he received notice at his residential address in the execution proceedings.

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10. The conduct of the petitioner Director is not above board and the failure of the petitioner to take immediate steps to inform the proceeding pending in the civil suit to Manokaran Vignesh who has taken over the company is not explained in the affidavit. Atleast, I can understand if the application to set aside the exparte decree along with condone delay application was taken out by the present Director. However, the erstwhile Director has come forward to set aside the exparte decree.

11. The trial Court has rightly considered all these aspects and found that no sufficient cause has been made out. In fact, I had also called for a Report from the XXI Judge, City Civil Court, Chennai and by Report dated 03.03.2026, the learned XXI Assistant Judge, City Civil Court, Chennai has also clearly stated that the Court permitted service of summons on the residential address of the Director who represented the petitioner Company in the suit viz., Bhubesh Meiran and that the summons were served at the residence at the first instance and even thereafter, the Court, by way of abundant caution, has ordered substituted service and only pursuant to paper publication which also reflected both the addresses alone the defendant has been set exparte.



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12. In such circumstances, I do not see any merit in the revision. The trial Court has rightly found that the petitioner has not made out sufficient cause entitling him to discretionary relief under Section 5 of the Limitation Act. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.08.2026

sr
Index:yes/no
Website:yes/no
Speaking Order/Non-speaking Order

To

The XXI City Civil Court, Chennai



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P.B.BALAJI.,J

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