



WEB COPY

A No. 2164 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 2164 of 2026

in

CS NO. 46 OF 2026,

1. M/s.Francis Kanoi Marketing and 2 others
Rep by its Managing Director Francis Xavier,
J-85, 13th Main Road, Anna Nagar,
Chennai-600040
H-201, The Metrozone, No.44, Pillaiyar Koil
Street,
Anna Nagar, Chennai-600040
2. Mr.Francis Xavier Singhraj
S/O.LATE.F.A.SINGHRAJ
Managing Director, Francis Kanoi Marketing
Planning Services Pvt.Ltd
J-85, 13th Main Road, Anna Nagar,
Chennai-600040
H-201, The Metrozone, No.44, Pillaiyar Koil
Street,
Anna Nagar, Chennai-600040
3. Mrs.Lalitha Eashwer
W/O.FRANCIS XAVIER
Director, Francis Kanoi Marketing Planning
Services Pvt.Ltd
J-85, 13th Main Road, Anna Nagar,
Chennai-600040
H-201, The Metrozone, No.44, Pillaiyar Koil
Street,
Anna Nagar, Chennai-600040

..Applicant(s)

Vs

Mr. Ajith S Lulla
S/o.Late Srichand Lulla,
14, Umayal Road,
Kilpauk, Chennai-600010



..Respondent(s)

Prayer in A No. 2164 of 2026: Petition is filed under Order XIV rule 8 of OS.Rules, r/w Section 5 of the Limitation Act r/w Section 151 of CPC, praying to condone the delay of 3 days in filing the application for grant of leave to the Applicants/Defendants to defend the suit in accordance with law.

For Applicant(s): Mr.M.L.Joseph for
M/S.Chennai Law Associates

For Respondent(s): Mr.D.Chandrasekar

ORDER

This application has been filed by the defendants to excuse the delay of three days in filing the application seeking leave to defend the summary suit.

2.The applicants state that summons for judgment was received by their counsel on 30.03.2026 and that the application seeking leave to defend was presented on 01.04.2026. However, the Registry calculated a delay of three days and directed them to file the present application. According to the applicants, the delay was neither wilful nor wanton.

3.The respondent/plaintiff opposes the application contending that the delay has not been properly explained and that the application has been filed



only to protract the proceedings. The respondent also seeks a direction to furnish security for the suit claim.

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4. Order XXXVII Rule 3(7) CPC empowers the Court to excuse the delay in applying for leave to defend upon sufficient cause being shown. In the present case, the applicants entered appearance promptly and presented the leave application shortly after receipt of summons for judgment. Even accepting the Registry's calculation, the delay is only three days. The sequence of events does not disclose deliberate inaction or lack of bona fides.

5. Accordingly, the delay of three days is excused under Order XXXVII Rule 3(7) CPC. The Registry shall number the application seeking leave to defend, if it is otherwise in order, and place it before the Court for consideration on merits. The application in A.No.2164 of 2026 is allowed. No costs.

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DR.A.D.MARIA CLETE J.

JRS

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CS NO. 46 OF 2026**

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