

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WENESDAY, THE 05TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE SUNDAR

A.No.6663 of 2018

IN

C.S.No.69 of 2018

Mr.Sivakumar, Son of Boolgapandian,
Proprietor,
Mutharamman and Co,
A proprietary concern
54, G.V.T.Complex,
Varadarajapuram,
Nazrethpuram,
Chennai 602 103. Plaintiff

-Versus-

1. Surya Imports and Exports,
A Firm represented by its Proprietor,
Mr.N.Surya Srinivas,
Son of Bhaskara Rao,
Flat No.15, Rams Flats,
Second Floor,
New No.5, Old No.2-A,
Madhavan Nair Raod,
Mahalingapuram,
Chennai 600 034.

2. Indus Ind Bank Limited,
Represented by its Manager,
3, Village Road,
Nungambakkam,
Chennai 600 034.

3. Indian Bank
Represented by its
Assistant Regional manager,
W-100, II Avenue,
Anna Nagar,
Chennai 600 040. Defendants

A.No.6663 of 2018

3, Village Road,
Nungambakkam,
Chennai 600 034.

...Applicant/ 2nd Defendant

VS

1. Mr.Sivakumar, Son of Boolgapandian,
Proprietor,
Mutharamman and Co,
A proprietary concern
54, G.V.T.Compex,
Varadarajapuram,
Nazrethpuram,
Chennai 602 103.

...1st Respondent/Plaintiff

2. Surya Imports and Exports,
A Firm represented by its Proprietor,
Mr.N.Surya Srinivas,
Son of Bhaskara Rao,
Flat No.15, Rams Flats,
Second Floor,
New No.5, Old No.2-A,
Madhavan Nair Raod,
Mahalingapuram,
Chennai 600 034.

...2nd Respondent/1st Defendant

3. Indian Bank
Represented by its
Assistant Regional manager,
W-100, II Avenue,
Anna Nagar,
Chennai 600 040.

...3rd Respondent/3rd Defendant

Application praying that this Hon'ble Court be pleased
to pass an order condoning the delay of 106 days in filing
the written statement in the above suit.

This Application coming on this day before this court
for hearing the court made the following order:

There is one plaintiff and three defendants in the main
suit.

defendant with a prayer for condoning 106 days delay in filing written statement. Sole plaintiff has been arrayed as first respondent and Defendants 1 and 3 have been arrayed as Respondents 2 and 3 respectively in the instant application. Parties in this application are referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. Read this in conjunction with and in continuation of earlier proceedings made today in the main suit, wherein and whereby jurisdiction of this Commercial Division qua this suit has been determined. As the jurisdiction of this Commercial Division qua this suit has been determined today, in exercise of powers under proviso to Section 15(4) of the Commercial Courts Act, 2015 ('said Act' for brevity), fresh time lines for filing written statement can be granted or fixed by this Commercial Division.

4. In the light of the aforesaid obtaining position qua trajectory of this suit thus far and proviso to Section 15(4) of said Act, this application becomes otiose.

5. Therefore, this application is closed.

6. Registry is directed to take the written statement of second defendant on file.

WEB COPY

Sd/- M.S.J
05.09.2018

//Certified to be a true copy//
Dated this the day of 2018.

KY/31.08.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the order/judgment Decree in this format.