

A.No.5664 of 2015
in C.S.No.501 of 2014

N.SATHISH KUMAR.J.,

This application has been filed by the applicant/defendant to condone the delay of 284 days in filing the written statement and to direct the registry to take on record.

2. Heard both sides.

3. The main reason stated in the affidavit to condone the delay is that since the applicant was perusing the interim injunction application there is a delay in filing the written statement. The written statement was filed in the year 2015. Though, I am not satisfied with the reason stated to condone such delay, it is the duty of every litigants to pursue the case. He has knowledge of the proceedings. Having knowledge about the case one will not contend that mainly because of perusing interim injunction application, the written statement is not filed in time. Therefore, the reason stated in the affidavit is not sufficient to condone the delay. Further, taking into consideration of the fact that the jurisdiction of the Court is assumed in the year 2018, in such case the mandatory period contemplated under Commercial Court Act under Order VIII is not strictly applicable and Court has discretion under Section 15(4) of the Act. Since written statement already filed along with application in the year 2015. In order to give fair opportunity to the parties the written

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statement is taken on record subject to the payment of costs of Rs.10,000/- to the other side on or before 28.11.2019.

Post the matter on 28.11.2019

15.11.2019

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