

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

A.No. 1217 of 2020AndC.S.No. 609 of 2019

Mr.Nenmal Jain
Trading as M/s. Matheswari Beauty Centre,
No.19, Narayana Mudali Street,
Sowcarpet,
Chennai – 600 079. ... Applicant/Defendant

Vs.

1. Mrs.Preeti
W/o. Mr.Darmendar Kumar Jain
No.5-5-5983/1, Hindi Nagar,
Goshamahal, Hyderabad – 500 012.
2. Kosmos Global
A Proprietary Concern
Represented by its Partner Mr.Piyush Jain
No.20, Revanayer Street,
Park Town, Chennai – 600 003 ... Respondents/Plaintiffs

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PRAYER in A.No. 1217 of 2020 : This application filed under Order XIV Rule 8 of O.S. Rules read with Section 5 of Limitation Act read with Order 8 Rule 1 of C.P.C., praying for the following reliefs:

to condone the delay of 82 days in filing the written statement in C.S. (Comm.Div.)No. 609 of 2019.

For Applicant : Mr. C.Daniel

For Respondents : Mr.N.Nithianandham

ORDER

Application filed seeking to condone the delay of 82 days in filing the written statement.

2. It is stated by the learned counsel for the applicant/defendant that the defendant was served on 14.11.2019 and the period of 30 days in filing the written statement had expired on 13.12.2019. The written statement had been filed on 05.03.2020.

3. The provisions of the Commercial Courts Act stipulate that additionally 90 days from the initial period of 30 days can be granted for filing written statement subject to leave of the Court and costs.

4. The reasons stated for the delay is that the parties were at lis examining the interim reliefs sought by the plaintiffs. Documents have already been filed along with the written statement.

5. Heard the learned counsel for the respondents/plaintiffs also. If at the time of determination of the suit, if costs are to be levied then, then this delay of 82 days may also be considered at that relevant point of time I hold that the suit will have to move forward and therefore, the application is ~~allowed~~ .

6. For filing affidavit regarding admission / denial of documents, call the matter once again on 20.07.2020. On that day draft issues and a schedule for case management may also be submitted by both the sides.

06.07.2020

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Speaking/Non Speaking Order

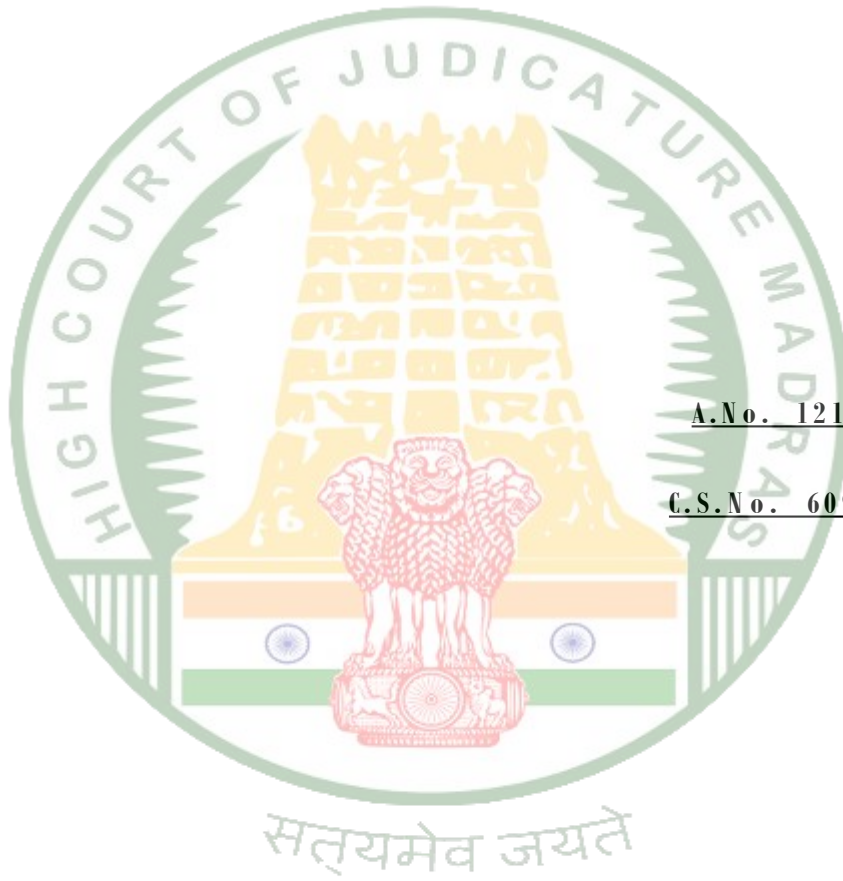
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C.V.KARTHIKEYAN, J.

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