



A.No.3595 of 2021

WEB COPY

A.No.3595 of 2021
in
C.S.No.223 of 2020
(Comm. Suit)

N.ANAND VENKATESH. J.,

When this application was taken up for hearing on 22.11.2021, this Court was not convinced with the affidavit filed in support of the application, since it was devoid of facts. This Court therefore, directed the applicant/1st defendant to file a better affidavit. Better affidavit has been filed explaining the reasons for the delay. It is stated that summon was served on the 1st defendant on 31.10.2020 and 30 days period for filing the written statement got over on 30.11.2020. 90 days period thereafter was over on 27.02.2021. Admittedly, the written statement was filed only on 03.03.2021. This is beyond the mandatory period that has been fixed under the Commercial Courts Act, 2015. At this juncture, an order passed by the Hon'ble Supreme Court in *Miscellaneous Application No.665 of 2021 in SMW(C) No.3 of 2020 dated 23.09.2021* comes to the rescue of the applicant/1st defendant. The Hon'ble Supreme Court has categorically held that while computing the limitation for suit, appeal and application, the period from 15.03.2020 till 02.10.2021 shall



A.No.3595 of 2021

stand excluded. It was further directed that all those persons, who are falling within this time frame shall have further limitation period of 90 days from 03.10.2021. Obviously, the case of the applicant also falls within the benefit given by the Hon'ble Supreme Court considering the pandemic situation.

2. In view of the above, the application filed for condoning the delay in filing the written statement is allowed. However, considering the substantial delay caused by the applicant/1st defendant in filing the written statement, this Court is inclined to impose costs of Rs.5,000/- (Rupees Five Thousand Only) on the applicant/1st defendant payable to the State Legal Services Authority, High Court, Madras on or before 10.12.2021.

3. This application is disposed of, accordingly.

4. Post this case under the caption 'FOR REPORTING COMPLAINT' on 13.12.2021.

29.11.2021
(½)

mk



WEB COPY



A.No.3595 of 2021

N.ANAND VENKATESH.,J

mk

A.No.3595 of 2021
in
C.S.No.223 of 2020
(Comm.Suit)

29.11.2021
(1/2)