

A.No.2121 of 2021
in
C.S.No.714 of 2019

DR.G.JAYACHANDRAN, J.

Application is filed to condone the delay of 26 days in filing the written statement. The plaintiff has not filed any counter. However, the learned counsel for the plaintiff strongly object the application to condone the delay of 26 days in the light of strict time line prescribed under the Commercial Courts Act and which is not negotiable.

2. From the affidavit filed by the defendant to condone the delay of 26 days in filing the written statement and from the records, this Court finds that the suit summons on the sole defendant was served on 06.01.2020, under the Act, the defendant ought to have filed the written statement within 30 days which expires on 05.02.2020. However, the written statement is presented in the Registry only on 03.03.2020 i.e., 26 days after the expiry of 30 days limitation. Order VIII Rule 1 of C.P.C., as amended by the Commercial Courts Act, 2015, if the defendant fails to file the written statement within 30 days from the date of receipt of suit summons, he should be allowed to file the written statement on such other day but not later than 120 days from the date of

service of summons, subject to satisfaction of the Court regarding the reason for the delay in filing the written statement.

3. In this case, the defendant in the affidavit has narrated the various litigations in connection with this suit subject and also stated the reason for his inability to file the written statement within 30 days but well within upper limit prescribed by the statute. Hence the application to condone the delay in filing the written statement is allowed on payment of Rs.5,000/- as costs payable to the plaintiff. The cost shall be paid on or before 14.08.2021.

4. Call the matter on 17.08.2021.

22.07.2021

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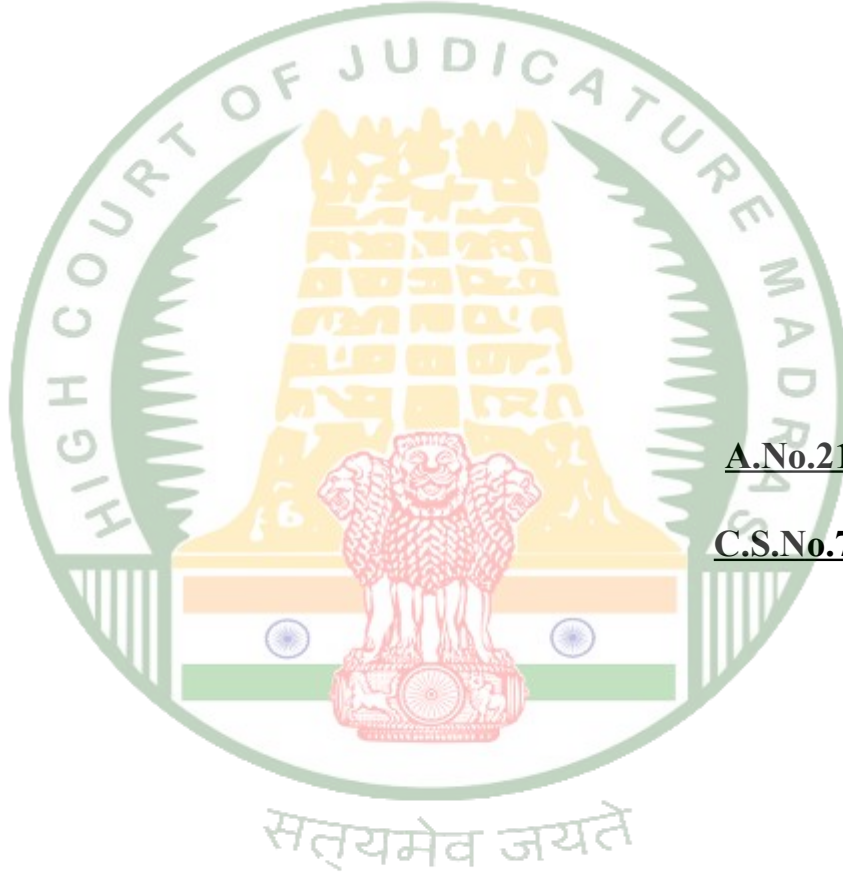
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