

A.No.1812 of 2021
in
C.S.No.318 of 2020

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Dr.G. JAYACHANDRAN,J.

This application is to condone the delay of 14 days in filing the written statement.

2. According to affidavit filed along with the application, the first defendant/applicant states that the suit summon was received by him on 07.12.2020. Due to Covid situation, he could not file the written statement within the upper limit period of 120 days prescribed under the Commercial Courts Act. Hence, he seeks condonation of delay of 14 days in filing the written statement.

3.From the affidavit and the Registry records, this Court finds that the written statement was filed by the first defendant on 19.03.2021. As per Order VIII-A of the Amended CPC, the limitation to file written statement is 30 days and extended period to receive the written statement with condone

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delay application is 90 days. Since this application is filed before expiry of the said period and during the lockdown period, the delay of 14 days in filing the written statement is condoned on payment of cost of Rs.5,000/- to the plaintiff. Time to pay the cost of Rs.5,000/- is three weeks from today. Accordingly, this application is ordered.

4. The learned counsel for the 2nd defendant reports demise of the 3rd defendant on 18.04.2021. The plaintiff is directed to take necessary steps. Written statement filed by the first defendant with dealy is taken on file after condonation of the delay. Call the main case on 04.06.2021.

22.04.2021

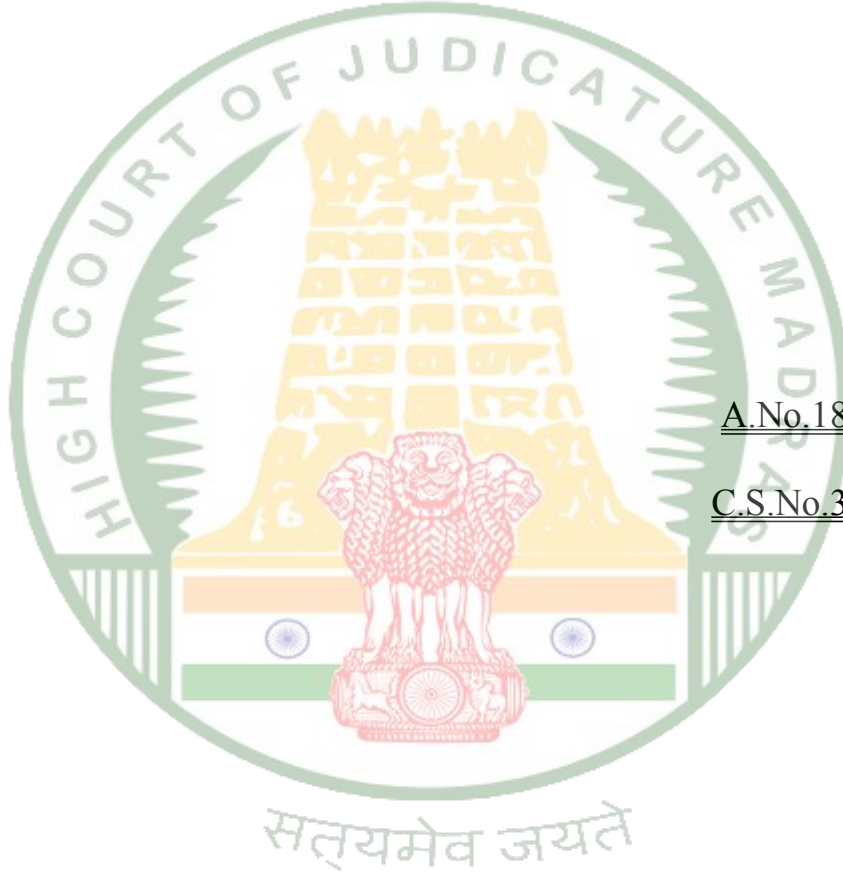
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