

A.No.3081 of 2021
in
C.S.(Comm.Divn.).No.410 of 2020

DR.G.JAYACHANDRAN,J.

The application No.3081 of 2021 is filed by the defendants 1 and 2 for condoning the delay of 70 days in filing the written statement.

2. On verification of the bundle, this Court finds that this application though filed by both the defendants as applicants, affidavit was filed by one Mr.N.Samraj, S/o.Natarajan, the partner of the 1st defendant firm accompanying the written statement of the 1st defendant. A similar application is filed by both the applicants with the supporting affidavit of K.Chidambaram, the partner of the 2nd defendant firm accompanied by a separate written statement on behalf of the 2nd defendant. The Registry has numbered the application filed by Mr.Samraj. The other application filed by Mr.K.Chidambaram is not numbered, but placed in the record.

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3. On perusing the reason found in the affidavit, this Court finds that the defendants were served the suit summons on 17.03.2021. The

written statement ought to have been filed within 30 days. The defendant has not filed within 30 days, but had presented the written statement on 25.06.2021. Thus, there is a delay of 70 days. As per the proviso to Order VIII Rule 1 of C.P.C., as amended under the Commercial Courts Act, the delay up to 90 days may be condoned, if sufficient cause and explanation provided by the defendants. In this case, the affidavit filed along with the application, the defendants, they have cited the pandemic situation and restriction for the access to the Court and to the documents.

4. Considering the reason stated in the application to condone the delay in filing the written statement, the delay is condoned on payment of a sum of Rs.5,000/- (Rupees Five Thousand only) as costs to the plaintiff on or before 27.09.2021.

5. Post the matter on 28.09.2021 for further proceedings.

08.09.2021

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