

A.No.2705 of 2021
in
C.S.No.488 of 2019

DR.G.JAYACHANDRAN. J.

This Petition is filed to condone the delay of 47 days in filing the written statement and the reason is properly explained in the affidavit, viz., suit summons was received by the defendants on 04.09.2019. However, the dispute was determined as "commercial" only on 27.01.2020. Thereafter, the defendants were not in a position to file the written statement within time, in view of the intervening pandemic situation and lock down. However, this Court is able to find that if it is a regular suit, the defendants should have filed their written statement at the earliest point of time, which, they have not done and in view of the order of the Hon'ble Supreme Court dated 15.03.2020, which has granted moratorium, the present written statement, which was filed on 05.02.2021, falls within the limitation period of 30+90 days from the date of the determination of the jurisdiction.

2. Having filed the written statement, this Court is of the view that the rigor of the limitation as prescribed under the Commercial Courts Act, need not be applicable to the defendants herein for the simple fact that the

jurisdiction was determined only on 27.01.2020, though upper limit for filing the written statement falls on 27.05.2020. In view of the lock down and the order of the Hon'ble Supreme Court, limitation is saved for the defendants.

3. In such circumstances, the application is allowed on terms of payment of Rs.2,000/- (Rupees two thousand only) to the plaintiff on or before 31.08.2021.

4. Post the matter on 03.09.2021 for further proceedings.

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