

A.No.2817 of 2021
in C.S.No.403 of 2020

Dr.G.JAYACHANDRAN, J.

This application is filed to condone the delay in filing the writing statement.

2.According to the applicant/defendant, suit summon was received on 05.02.2021 and due to pandemic situation and lock down, written statement could not be filed within the statutory period of limitation i.e., 120 days from the date of receipt of the summon and the present written statement is filed on 23.07.2021. As per the statute under Order VIII Rule 1 of C.P.C. as amended by the Commercial Courts Act, the applicant/defendant herein on receipt of the suit summon on 05.02.2021, ought to have filed his written statement on or before 07.03.2021. The period for condonation of delay of 90 days expired on 06.06.2021 whereas the written statement is filed on 23.07.2021, much after the statutory limitation. However, in the light of the Supreme Court, the order passed in *Suo Motu Writ (Civil) No.3 of 2020* dated 08.03.2021, the period from 15.03.2020 till 14.03.2021 has to be excluded for computation of limitation.

DR.G.JAYACHANDRAN,J.

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Hence, the delay is condoned on costs of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** payable by the applicant to the respondent on or before 31.08.2021.

Post the suit on **03.09.2021** for compliance and further proceedings.



16.08.2021

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