

Application No. 3095 of 2021
in C.S. No.242 of 2020

DR.G.JAYACHANDRAN, J.

Suit before the Commercial Division of High Court under the Commercial Courts Act.

2.This application is filed by the third defendant to condone the delay of 284 days in filing their written statement.

3. Though proviso to Order VIII Rule 1 of CPC had fixed the upper limit for filing written statement as 120 days from the date of receipt of the suit summons, in this case, the third defendant, who has received suit summons on 09.10.2020, has chosen to file written statement only on 18.08.2021 with a petition to condone the delay. Though he was actively participated in the interlocutory proceedings, in this affidavit to condone the delay, he has stated the breakdown of pandemic and the suo-motu order of the Hon'ble Supreme Court as a cause and reason to condone the delay.

DR.G.JAYACHANDRAN,J.

Vri

4.This Court wonders how a party, who was effectively participated in the interlocutory proceedings, can suffer impediment in filing the written statement due to pandemic. But then, since the Hon'ble Supreme Court in this regard not on case basis but as a general order, has granted moratorium due to breakdown of pandemic, this Court condones the delay with a cost of **Rs.25,000/- (Rupees Twenty Five Thousand only)** payable to the plaintiff on or before **06.10.2021**.

Call the matter on **07.10.2021**.

07.09.2021

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