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A.No.4829 of 2021 in
C.S.No.38 of 2020

A.No.4829 of 2021 in
C.S.No.38 of 2020 (Comm. Suit)

N.ANAND VENKATESH, J.

This application has been filed to condone the delay of 534 days in filing the written statement in C.S.(Com) No.38 of 2020.

2. Heard the learned counsel for the applicant and the learned counsel for the respondents.

3. The suit summon was served on the 1st defendant on 06.02.2020 and the 30 days period for filing the written statement expired on 06.03.2020. Thereafter, the written statement can be filed with the leave of the Court and the maximum condonable limit is 120 days. Beyond this period, this Court does not have jurisdiction to condone the delay in filing the written statement.

4. In the present case, the order of the Hon'ble Supreme Court in Application No.665 of 2021 will come to the aid of the applicant. The order passed by the Hon'ble Supreme Court on 23.09.2021 categorically



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WEB COPY

states that the period between 15.03.2020 till 02.10.2021 will stand excluded. That apart, in cases where the limitation would have expired during this period, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. This order was made applicable to any suit, appeal, application or proceedings.

5. Further, in the present case, the limitation period for the applicant would have come to an end during the period between 15.03.2020 till 02.10.2021. The applicant has filed the written statement on 23.08.2021. Therefore, technically, there may not be any delay in filing the written statement by virtue of the order of the Hon'ble Supreme Court.

6. In view of the above discussion, the present application stands allowed and the written statement along with document and the statement of truth are taken on record.

21.12.2021

ssd



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