



A.No.4161 of 2021

Application No.4161 of 2021
in
C.S.No.128 of 2021
(Comm.Suits)

N.ANAND VENKATESH. J.,

This application has been filed to condone the delay of 123 days in filing the written statement.

2.Heard Mr.C.Suraj, learned counsel for the applicant and Mr.Sathish Parasaran, learned Senior Counsel appearing for the respondent.

3.The learned counsel for the respondent vehemently opposed the present application on the ground that the summons was received by the applicant on 09.04.2021 and thereafter notices were issued in the other pending applications and the applicant had been contesting the applications and inspite of the same, the applicant failed to file the written statement on time. The learned counsel for the respondent further submitted that the applicant ought to have filed the



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written statement on or before 09.05.2021 and the 120 days statutory period expired on 09.08.2021. It is only thereafter the written statement came to be filed along with an application to condone the delay in filing the written statement. Therefore, the learned counsel would contend that apart from the conduct of the applicant, the written statement itself has been filed beyond the statutory period and hence, the present application is liable to be dismissed.

4.In the considered view of this Court, the order passed by the Hon'ble Supreme Court in miscellaneous Application No.665 of 2021, dated 23.09.2021, will squarely apply to the facts of the present case. The Hon'ble Supreme Court made it very clear that the period of limitation for any suit, appeal, application or proceedings for the period from 15.03.2020 till 02.10.2021 shall stand excluded. It was further made clear that where the limitation would have expired during the said 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 passed by the Hon'ble Supreme Court will apply



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to all the proceedings and all those persons who are falling within this period between 15.03.2020 till 02.10.2021, are entitled to take advantage of this order. It goes without saying that the order passed by the Hon'ble Supreme Court is binding and has to be taken into account by this Court while deciding this application.

5.Strictly speaking, there was not even a requirement for the applicant to have filed an application to condone the delay in filing the written statement since applying the order of the Hon'ble Supreme Court, there was no delay at all in filing the written statement. However, in order to avoid any technicalities, the present application has been filed to condone the delay in filing the written statement.

6.In view of the above discussion, this Court does not want to go into the conduct of the applicant and the other grounds raised by the learned counsel for the respondent and the present application has to be allowed purely on the basis of the order passed by the Hon'ble Supreme Court that has been referred supra.



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7.In view of the above discussion, this application stands allowed and the written statement along with the documents relied upon by the applicant /plaintiff accompanied by the statement of truth is taken on record.

21.12.2021

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