

A.Nos.3747 to 3749 of 2021
in C.S. (Com.Div.) No.24 of 2021

DR.G.JAYACHANDRAN, J.

The defendants 1 to 4 who have received their summons have filed written statement 34 days after the expiry of limitation period. Hence, along with the written statement, application to condone the delay of 34 days is filed.

2.As per Order 8A of CPC as amended by the Commercial Courts Act, the defendants are supposed to file their written statement within 30 days from the receipt of the suit summon failing which the day can be condoned upto 90 days with costs, if the defendant can explain reasonably the cause for the delay.

3.In this case, the defendants 1 and 2 had jointly filed Application No.3747 of 2021. The third defendant has filed Application No.3749 of 2021. The fourth defendant has filed Application No.3748 of 2021. In these applications, the affidavit filed by the respective applicants states that they received suit summons on 27.07.2021 but they were not able to file their written statement by 26.08.2021, since the suit matter relates to

**DR.G.JAYACHANDRAN,J.
VRI**

events which took place several years ago and therefore, they were not able to retrieve the records within 30 days. The reasons stated appears to be reasonable and this Court therefore condone the delay of 34 days in filing the written statement by the defendants 1 to 4. Hence, the respective applications are allowed on cost.

The applicants in A.Nos.3747, 3748 and 3749 of 2021 shall pay costs of **Rs.5,000/- (Rupees Five Thousand Only) each** to the Legal Services Authority, Chennai on or before **22.11.2021**. On payment of cost, the written statement of the respective defendants should be taken on file.

Call the matter on **23.11.2021**.

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