



A.No.4692 of 2021
in C.S.No.125 of 2016

N.ANAND VENKATESH.,J

This application has been filed by the 2nd defendant to condone the delay of 217 days in filing the written statement.

3.Heard the learned counsel for the applicant/2nd defendant and the learned counsel appearing on behalf of the 1st respondent/plaintiff.

4.This suit was before the regular Court dealing with the ordinary original jurisdiction and it was transferred to the Commercial Division and the jurisdiction was determined only on 09.07.2021. By virtue of Section 15(3) of the Commercial Courts Act, 2015, the provisions of the Act where the suit relating to a commercial dispute is transferred to the Commercial Division, the provisions of the Act will apply only to those procedures that were not complete at the time of transfer.

5.In the present case, the application has been filed by the 2nd defendant even in the year 2017 to condone the delay in filing the written statement. The stage of mandatory period as fixed under the Act had crossed by time the suit was transferred to the Commercial Division. Therefore, the embargo placed by the Act to entertain the written statement beyond 120 days, will not apply to the present case.



N.ANAND VENKA



ssr

WEB COPY

6.This Court is satisfied with the reasons assigned in the affidavit filed in support of the application explaining the delay in filing the written statement.

7.In view of the above, this application stands allowed.

15.12.2021

ssr

(1/2)

A.No.4692 of 2021
in C.S.No.125 of 2016

(1/2)