



*A.Nos.4507 & 4508 of 2021
in C.S.No.964 of 2017*

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N.ANAND VENKATESH. J.,

These applications have been filed to recall the orders passed by the Commercial Division on 10.02.2021 and 29.07.2021.

2. Heard Mr.P.Wilson Topaz for M/s.A.S.Kailasam and Associates learned counsel for the applicants and Mr.Jayesh Dolia for M/s.Aiyar and Dolia, learned counsel for the respondent.

3. The orders in question were passed on the premise that the present suit will fall within the jurisdiction of the Commercial Division. Thereby, the right of the defendants to file their written statement was forfeited since it crossed the statutory period of limitation.

4. This Court has passed an order today to the effect that the facts of the present case do not satisfy the requirements of a commercial dispute under Section 2(1)(c)(i) of the Commercial Courts Act, 2015. In view of the same, the earlier orders passed by this Court on 10.02.2021 and 29.07.2021 cannot be sustained and those orders are hereby withdrawn.



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5. It will be open to the applicants / defendants to file a fresh application before the regular Court dealing with ordinary original jurisdiction to condone the delay in filing the written statement and it will be left open to the respondent to contest the same.

6. Both the applications are disposed of accordingly.

17.12.2021
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