

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 20th DAY OF APRIL 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A. No.7977 of 2019

in

C.S. No.133 of 2019

Mr.Ramanan Balaganathan,
Trading as Merloam Entertainment,
No.42, 1st Avenue, Indra Nagar,
Adyar, Chennai-600 020.

... Plaintiff

-Versus-

Rise East Entertainment Private Limited,
2A 2nd Floor, Leel Mere Park Apartments,
No.1, College Lane Road, Nungambakkam,
Chennai-600 006.

...Defendant

A.No.7977 of 2019:

Rise East Entertainment Private Limited,
2A 2nd Floor, Leel Mere Park Apartments,
No.1, College Lane Road, Nungambakkam,
Chennai-600 006.

...Applicant/Defendant

Vs

Mr.Ramanan Balaganathan,
Trading as Merloam Entertainment,
No.42, 1st Avenue, Indra Nagar,
Adyar, Chennai-600 020.

...Respondent/Plaintiff

Application praying that this Hon'ble Court be pleased to condone the delay of 194 days in filing the Written Statement of the Applicant/Plaintiff in C.S.(COMM.DIV.) No.133 of 2019 pending disposal of the above suit.

This application coming on this day before this court for hearing, the Court made the following order:-

This application is filed to condone the delay of 194 days in filing the written statement.

2. Suit is presented under the Commercial Courts Act on 06.02.2019. Suit summon served on the sole defendant on 20.02.2019. The present application is filed on 21.10.2019. There is a delay of 194 days in filing the written statement. The time limit prescribed to file written statement under the Commercial Courts Act is 30 days. However, the written statement is filed after a delay of 194 days.

3.As per the judgment of the Supreme Court in ***SCG Contracts (India) Ltd -vs- K.S.Chamankar Infrastructure Pvt Limited***, written statement filed beyond the limited period of 120 days cannot be entertained.

prescribed under the statute. The said prescribed limit is non negotiable. Hence, the application to condone the delay beyond the upper limit prescribed under the statute is unsustainable. Accordingly, this application is dismissed.

Sd./-G.J.J
20/04/2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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