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*A.No.3747 of 2022 in
C.S.No.715 of 2015*

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C.SARAVANAN, J.

This application has been filed by the applicant/first defendant to grant leave to file statement of truth as is contemplated under Order VI Rule 15A as amended for the purpose of Commercial Courts Act, 2015. The aforesaid provision has been brought into the statutory book on 03.10.2014 with retrospective effect from 20.03.2015.

2. In the written statement, that was filed by the applicant/first defendant on 05.03.2018, the applicant/first defendant has not included the Statement of Truth as is contemplated under Order VI Rule 15A of amended C.P.C. The plaintiff has opposed the same and therefore submitted that this application cannot be allowed as the written statement also did not contain verification which was required under Order VI Rule 15 of C.P.C.



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WEB COPY

3. The counter affidavit has filed by the first respondent/plaintiff wherein it is stated that the defendants have unilaterally amended cause title by substituting the name of Amitha Bishnoi represented by its Directors and Authorised Signatory of the first defendant by name one Mr.M.Sivanandam.

4. It is submitted that during the course of cross examination the third defendant it was stated that the said M.Sivanandam was suffering from cancer and was a bed-ridden and was not fully associated with the first defendant Company. However, the same person has signed the written statement on 05.03.2018 and it is the same person who has now sworn affidavit filed in support of the above application. Hence, prayed for dismissal of the application filed by the applicant/first defendant.

5. I have considered the arguments advanced by the learned counsel for the applicant/first defendant and the learned counsel for the first respondent/plaintiff. The objection raised by the learned counsel for the first respondent/plaintiff is too technical in nature and is intended to delay the enquiry in the case.



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WEB COPY

6. In my view, failure to file Statement of Truth as is contemplated under Order VI Rule 15A of amended C.P.C. is a curable defect and therefore no serious objection can be entertained.

7. Therefore, this application stands allowed. The Statement of Truth filed on behalf of the applicant/first defendant is taken on file and is directed to be appended to the written statement of the applicant/ first defendant.

8. Considering the fact that the plaint also does not accompany a Statement of Truth which is required in view of the amended C.P.C., liberty is also given to the first respondent/plaintiff to approach the application for adding the Statement of Truth as is required under the law.

List the case on 03.01.2023.

20.12.2022

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