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*A.No.4547 of 2022
in C.S.(Comm. Div.)No.134 of 2022*

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M.SUNDAR, J.,

In these proceedings, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

2. Captioned application has been taken out with prayer for 'condonation of delay' ['COD'].

3. Captioned application has been taken out by defendants 1 and 2. COD prayer is qua filing of written statement. The delay sought to be condoned is 30 days. To be noted, this is well within 120 days from the date of service of suit summons (25.07.2022) to the date of filing of written statement (23.09.2022) and therefore COD is permissible qua amended proviso to Rule 1 of Order VIII of 'the Code of Civil Procedure, 1908 (Central Act V of 1908)' [hereinafter 'CPC' for the sake of convenience and clarity] as amended by 'The Commercial Courts Act, 2015 (4 of 2016)' [hereinafter 'CCA' for the sake of convenience and clarity].

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4. Mr.Rajesh Ramanathan, learned counsel on record for defendants 1 and 2, adverting to support affidavit more particularly paragraph No.4 thereat submits that a pen drive containing 10,000 photographs were pressed into service in the open Court by the plaintiffs and therefore preparation of written statement consumed time resulting in delay. It is not necessary to be detailed by facts or reason any further as Mr.P.S.Raman, learned Senior counsel who is leading the counsel on record for plaintiffs very fairly submits, on instructions, that COD prayer is not opposed.

5. In the light of the narrative thus far, captioned application is ordered as prayed for. Registry to take the written statement of defendants 1 and 2 on file otherwise in order. There shall be no order as to costs.

**13.10.2022
(1/2)**

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