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A.No.1436 of 2023

**A.No.1436 of 2023**  
**in C.S.No.100 of 2011**

**S.SOUNTHAR, J.**

This application is filed seeking to condone the delay of 3529 days in re-presenting the written statement.

2. In the affidavit filed in support of this application, it is stated by the applicant that originally the written statement was filed on 19.09.2011 and the same was returned for certain rectification on 29.09.2011. The applicant after complying the defects represented the same on 23.11.2011. Thereafter, there was a change of counsel on record for defendant. It is also averred that the matter had been listed from time to time, but the fact that the written statement was again returned on 09.07.2013 came to the knowledge of the applicant only on 23.06.2022. Immediately, steps have been taken to represent the written statement. In the mean time, there was a delay of 3529 days in re-presenting the written statement.

3. Though the reasons for condoning the long delay of representation, is not continuing, this Court taking into consideration the original written statement was filed in time on 19.09.2011 itself and also the fact that the Commercial Courts Act, 2015 came into force only on subsequent date,



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inclined to take a liberal approach in considering the application to condone the delay in re-presenting the written statement. This application is not seriously opposed by the learned counsel for the respondent.

4. Hence, this application is allowed on condition that the applicant shall pay to the Chief Justice Relief Fund, a sum of Rs.5000/- (Rupees Five Thousand only) within a period of ***two weeks*** from today. In case of failure to comply with the condition the application shall stand automatically dismissed without further reference to this Court.

**10.03.2023**

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***Note: Issue Order copy on 13.03.2023.***

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