



A.No.1991 of 2023
in C.S.No.74 of 2020

P.T.ASHA, J.

This application is filed seeking to condone the delay of 1065 days in filing the written statement in C.S.No.74 of 2020.

2. Under the provisions of the amended proviso to Order VIII Rule 10 C.P.C., the court's power to extend the time for filing the written statement beyond the period provided in Rule 1 of Order VIII has been curtailed. The Hon'ble Supreme Court, in its judgment reported in ***2019 SCC Online SC 226 [SCG Contracts (India) Private Limited vs. K.S. Chamankar Infrastructure Private Limited and Others]***, taking note of the above provisions, has held as follows:

“A perusal of these provisions would show that ordinarily a written statement is to be filed within a period of 30 days. However, grace period of a further 90 days is granted which the Court may employ for reasons to be recorded in writing and payment of such costs as it deems fit to allow such written statement to come on record. What is of great importance is the fact that beyond 120 days from the date of service of



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summons, the defendant shall forfeit the right to file the written statement and the Court shall not allow the written statement to be taken on record. This is further buttressed by the proviso in Order VIII Rule 10 also adding that the Court has no further power to extend the time beyond this period of 120 days.”

Therefore, in the instant case, summons has been served on the first defendant on 20.03.2020, second defendant on 07.03.2020 and the third defendant on 11.03.2020 and 30 days ended for the first defendant on 20.04.2020, second defendant on 06.04.2020 and third defendant on 10.04.2020 and further period of 90 days also came to an end on 18.07.2020, 04.07.2020 and 08.07.2020 respectively. Accordingly, this application stands dismissed. Therefore, the defendants' right to file the written statement is forfeited.

26.07.2023

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