



A.No.2978 of 2023
in C.S.(Comm.Div.).No.94 of 2021

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S.SOUNTHAR, J.

Instant Application in A.No.2978 of 2023 has been filed by the applicants/defendants in the suit, seeking permission of this Court to file “Statement of Truth” as required under amended code of Civil Procedure Code.

2. In the affidavit filed in support of this application, it is stated by the applicants/defendants that at the time of filing the Written Statement, by inadvertence they failed to file Statement of Truth as required under the Civil Procedure Code as amended by the Commercial Courts Act, 2015(as amended in 2018). It is asserted by the applicants that omission to file Statement of Truth is purely inadvertence and if they are not allowed to file the same, their substantial rights will get defeated.

3. It is a settled law that the procedural law is only a handmaid of the substantial justice and in case of conflict between the procedural law and the substantial right of parties, latter will prevail over the former.



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4. Having satisfied with the reasons assigned in the affidavit filed in support of this application, the application in A.No.2978 of 2023 is allowed.

23.06.2023
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