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A.No. 4328 of 2023
in
C.S. (Comm Div) No. 74 of 2023
&
A.No. 1905 of 2023

P.T.ASHA, J.

The above application is filed for condoning the delay of 77 days in filing the written statement.

2. The applicant / defendant in their affidavit filed in support of the application would submit that he had taken some time to collate the document, statement and details of transactions which are nearly 5 years old, as a result of which the delay had occasioned.

3. The learned counsel appearing on behalf of the respondent would submit that the affidavit is bereft of details and the statements made in the affidavit are very vague and therefore the delay should not be condoned. The learned counsel would argue that since it is a



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suit in the commercial division, strict time lines have to be followed.

4. Heard the learned counsels and perused the records.

5. The suit in question is one for recovery of money based on a loan agreement in respect of which there were payments made by the defendant. The applicant in the written statement has contended that the amount given by the plaintiff is not a loan but an investment in the partnership business between the plaintiff's son and the applicant and which appears to be one of the issues that has to be considered. Therefore, the various documents in this regard has to be collated. That apart, even as per proviso to Order VIII Rule 1 of the Code of Civil Procedure the defendant has a total of 120 days from the date of receipt of the summons in the suit to file their written statement; 30 days as provided with an extension of 90 days which the Court can extend by giving adequate reasons.



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6. Considering the fact that sufficient and reasonable reasons have been given for condoning the delay, the delay of 77 in filing the written statement is condoned and the written statement is taken on file.

7. Inspection of documents shall be completed by 29.09.2023.

8. Post the matter for arguments in A.No.1905 of 2023 on 23.09.2023.

30.08.2023

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