



A.No.914 of 2023

A.Nos.914 of 2023, 1206 to 1209 of 2022
and
O.A.Nos.152 & 153 of 2022
in
C.S.(Comm.Div).No.53 of 2022

C.SARAVANAN, J.

There is no merits in the application in A.No.914 of 2023 for condoning the delay in filing the written statement as admittedly the suit summons was served on the sole defendant on 25.03.2022. The written statement was not filed within the period of 30 days from the date of receipt of summons i.e 24.04.2022 or on or before 24.07.2023 within the condonable period to condone the delay in terms of Order VIII Rule 1 read with Order V Rule 1 of CPC as amended for the purpose of Commercial Courts Act, 2015.

2.On the other hand, the written statement that was prepared by the defendant and was served on the counsel for the plaintiff only on 04.12.2022 and thereafter filed on 05.12.2022.

3.Though, the learned counsel for the applicant/defendant would submit that the written statement was filed before the Registry on 22.09.2022, the delay cannot be condoned as there is enormous delay



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beyond 24.07.2022 i.e, beyond 120 days from the date of service of suit summons. Therefore, the application to file condone the delay is rejected.

4.Considering the fact that the defendant has set ex-parte, A.Nos.1206 to 1209 of 2022 and O.A.Nos.152 & 153 of 2022, all these applications are hereby closed.

5.In view of the dismissal of the application for condoning the delay, the case is directed to be listed before the learned Additional Master – III for recording of evidence on 14.03.2023. The respondent/plaintiff shall file proof affidavit and mark documents as exhibits. It is open for the applicant/defendant to participate in the aforesaid proceedings and raise objections, if any to marking of the document. Thereafter, this case is directed to be listed before this Court on 30.03.2023 for filing written arguments.

15.02.2023

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