



A.No.313 of 2022 in C.S.No.323 of 2016

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P.VELMURUGAN,J.

The present application is filed by the sole defendant to condone the delay of 1221 days in filing the written statement in C.S.No.323 of 2016.

2. The respondent/plaintiff has filed counter.

3. According to the learned counsel for the respondent/plaintiff, the applicant/defendant has not given any sufficient reason for the long delay.

The learned counsel further submitted that the Commercial Courts Act itself prohibits the respondent/defendant from filing the written statement after a period of 120 days from the date of receipt of suit summons. Therefore, the application is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. Admittedly, this application to condone the delay in filing the written statement is filed beyond the statutory period of 120 days from the date of suit summons. Therefore, the right of the defendant in filing the written statement is forfeited and this Court has no other option except to dismiss this application.



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6. Accordingly, this application is dismissed.

7. Though the applicant/defendant is not entitled to produce any oral and documentary evidence, the applicant/defendant is at liberty to participate in the trial for cross examining the plaintiff's witness and for arguments.

8. List the main suit on 01.08.2024.

18.07.2024
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