



A.No.607 of 2024

Application No.607 of 2024
in
C.S.(Comm.Div.)No.103 of 2023

ABDUL QUDDHOSE, J.

Registry has submitted a report stating that written statement filed by the sole defendant was efiled on 10.09.2023 vide E.D.No.828 of 2023. The 120 days period, which is the maximum period for filing written statement, expires admittedly only on 12.09.2023. However, on an erroneous representation made by the learned counsel for the defendant that the written statement was filed on 26.09.2023, this Court forfeited the right of the defendant to file the written statement. Now, to recall the earlier order dated 19.10.2023 forfeiting the right of the defendant to file the written statement, this application has been filed.

2. The learned counsel for the defendant would submit that a condone delay application has also been filed into the Registry to condone the delay in filing the written statement.

3. The learned counsel for the respondents/plaintiffs has stated no objection for allowing this application, provided the same is restricted only for the purpose of filing written statement by the defendant. He would also submit that in the order dated 19.10.2023, this Court had made the interim injunction



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absolute and also allowed the application filed for joinder of cause of action.

Therefore, he has stated no objection for recalling the order dated 19.10.2023 only insofar as forfeiting the right of the defendant to file the written statement alone. The learned counsel for the applicant/defendant has also not raised any objection for the said submission of the learned counsel for the respondents/plaintiffs.

4. After recording the aforesaid submissions of both the counsels and in view of the fact that written statement was filed on 10.09.2023, which is within the 120 days period, the earlier dated 19.10.2023 passed by this Court insofar as forfeiting the right of the defendant to file the written statement alone is recalled and the defendant is permitted to file an application seeking to condone the delay in filing the written statement. Insofar as other directions issued by this Court on 19.10.2023, the same shall continue. Registry is directed to number the application seeking to condone the delay in filing the written statement, if it is otherwise in order, and list the same for hearing on 07.03.2024.

15.02.2024

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Application No.6210 of 2023
in
C.S.(Comm.Div.)No.103 of 2022

15.02.2024