



WEB COPY



A.No.3005 of 2024
in
C.S.(Comm.Div.)No.178 of 2023

A.No.3005 of 2024
in
C.S.(Comm.Div.)No.178 of 2023

P.VELMURUGAN, J

This application has been filed to condone the delay of 87 days in filing the written statement along with the documents filed by the defendants 1 and 2 in C.S.(Comm.Div.) No.178 of 2023.

2. Learned counsel for the first respondent/plaintiff submitted that when the copy of the written statement was served on the first respondent/plaintiff, three more documents filed by the defendants 1 and 2 were not annexed with the written statement. Subsequently, while re-presenting the written statement, they have introduced the said three more documents, which are not permissible under Order XI Rule 1(8) of the Schedule annexed to the Commercial Courts Act, 2015. Therefore, the same has to be rejected.

3. Though the statute has provided time limit for filing the written



A.No.3005 of 2024
in
C.S.(Comm.Div.)No.178 of 2023

WEB COPY

statement, which is only 30 days, in case the defendant could not file the written statement and has got any valid reason for filing the written statement with the leave of the Court, the written statement shall be filed within 120 days. In case the defendant could not file the written statement within 120 days, their right to file written statement shall stand forfeited.

4. It is seen that the defendants 1 and 2 have filed the written statement with a delay of 87 days along with the present condone delay application.

5. Though this Court is not satisfied with the reasons stated in the affidavit filed in support of this application, however, this application is filed within 120 days from the date of service of summons. In order to give one more opportunity to defendants 1 and 2 to raise their defence, the delay is condoned. Accordingly, this application is allowed subject to the payment of costs of Rs.25,000/- (Rupees Twenty Five Thousand



WEB COPY



A.No.3005 of 2024
in
C.S.(Comm.Div.)No.178 of 2023

Only) by the applicants/defendants 1 and 2 to the first respondent/plaintiff, on or before 04.07.2024.

6. List the matter under the caption "For reporting compliance" on **05.07.2024.**

7. As far as filing of the documents by the applicants/defendants 1 and 2 are concerned, the parties are at liberty to raise their objection at the time of filing affidavit of admission/denial of documents.

25.06.2024

ms



WEB COPY



A.No.3005 of 2024
in
C.S.(Comm.Div.)No.178 of 2023

P.VELMURUGAN, J

ms

A.No.3005 of 2024
in
C.S.(Comm.Div.)No.178 of 2023

25.06.2024