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A.No.5248 of 2024 in C.S.(Comm Div) No.107 of 2024

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ABDUL QUDDHOSE, J

This application has been filed seeking for condonation of delay of 99 days in filing the written statement of the second defendant.

2. The delay of 99 days in filing the written statement will not arise for the following reasons:

- (a) the suit was filed by the plaintiff only on 14.06.2024.
- (b) the written statement along with this condone delay application was filed before the Registry on 28.09.2024.
- (c) since the suit summons would have been served only after 14.06.2024, it is impossible that there would have been a delay of 99 days in filing the written statement by the second defendant.
- (d) Inadvertently, the Registry has numbered the application filed by second defendant seeking condonation of delay of 99 days in filing the written statement despite the fact that the delay would have been much lesser and the written statement of the second defendant would



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have been filed only within the prescribed time as stipulated under the Commercial Courts Act.

(e) Till date, counter has also not been filed by the plaintiff. Learned counsel for plaintiff also fairly submits that the delay cannot be 99 days and it should be much lesser.

3. In view of the admitted fact that the written statement has been filed within the stipulated time as prescribed under the Commercial Courts Act i.e. within the maximum period of 120 days from the date of receipt of suit summons and this Court being satisfied with reasons contained in the affidavit filed in support of this application for the delay as sufficient cause has been shown by the second defendant, this Court is allowing this application.

4. Accordingly, this application is allowed as prayed for and the written statement filed by second defendant is taken on record. The first defendant has already filed the written statement.



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5. The first defendant has filed an application in A.No.5992 of 2024 seeking leave of this Court to file additional documents. Learned counsel for plaintiff seeks time to file counter.

Post the matter for counter and disposal in A.No.5992 of 2024 on 11.12.2024.

20.11.2024

gm



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20.11.2024