



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

120

CR-2793-2024 (O&M)
Date of Decision.:02.07.2024

M/s Jindal Steels

.....Petitioner

Vs.

M/s Shakumbari International and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajender, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

CM-10843-CII-2024:

This is an application under Section 151 CPC to place on record copies of the zimni orders (Annexure P-7) in compliance of the order dated 08.05.2024.

2. Allowed.
3. Annexure P-7 is taken on record.

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4. As per learned counsel, the civil suit under the provisions of Commercial Courts Act was filed and as per the relevant provision, written statement was required to be filed within a period of 30 days from date of service of summons on the defendant, which time could not be extended

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beyond 120 days by the Court.

5. In the present case, the written statement was filed by the defendants on 04.01.2024, whereas after his service on 21.08.2023, defendants had put in appearance in the Court on 22.08.2023 and thus, written statement was filed beyond 120 days. An application was moved by the plaintiffs for striking of the defence, which has been dismissed by learned Additional District Judge, Kaithal vide impugned order dated 02.04.2024, which has been assailed before this Court.

6. Perusal of the various zimni orders as placed on record by the petitioner would reveal that matter was adjourned by the Court on 14.11.2023 to 12.12.2023 for filing of the written statement and then on 12.12.2023, it was adjourned to 19.12.2023 for consideration of some application.

7. It is conceded by learned counsel for the petitioner that up to 12.12.2023, the period of 120 days had not elapsed. As per the calculation made by learned counsel, the period of 120 days expired on 18.12.2023. It is revealed further that matter was postponed by learned trial Court on 18.12.2023 as learned Presiding officer had to proceed on Earned Leave for 19.12.2023 and matter was adjourned to 04.01.2024 and then it is on 04.01.2024 that written statement was filed.

8. Thus 04.01.2024 was the date fixed by the Court, on which date the written statement was filed.



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9. In case, the date fixed by the Court is beyond 120 days, defendant cannot be stated to be at fault and in these circumstances the ratio of law explained by Hon'ble Supreme Court in "*M/s SCG Contracts India Pvt. Ltd. v. K.S. Chamankar Infrastructure Pvt. Ltd. & Ors*" (2019)3 *S.C.R. 1050* as relied by learned counsel for the petitioner is not applicable.

10. After hearing learned counsel for the petitioner, this Court does not find merit in the present revision.

Dismissed.

(DEEPAK GUPTA)
JUDGE

July 02, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No