

2022 the registry was closed upto 30th October 2022. Hence, immediately on the reopening on 31st October 2022 the application alongwith the copy of the written statement is filed. She therefore submits that copy of the written statement alongwith the application for condonation of delay is filed within 120 days as permissible under Order VIII Rule 1 of the Code of Civil Procedure, 1908 applicable to commercial disputes. She submits that since 120 days period expired within the court holidays, application filed immediately after reopening would be within limitation as prescribed under Section 4 of the Limitation Act, 1963.

2. None appears for the plaintiff. Even on earlier dates none appeared for the plaintiff. Learned Advocate for the applicant has tendered affidavit of service dated 3rd February 2026 placing on record the particulars of the intimation served upon the Advocate for the plaintiff through email. The service attempted through post is returned with the remark 'Addressee left without instructions'. Service affidavit is taken on record.

3. I have perused the application. There is no affidavit-in-reply filed opposing the correctness of the statement made in

the application. I see no reason to disbelieve the contentions raised in the application. Learned counsel for the applicant is right in contending that since the limitation period expired during the court holidays, the application is filed immediately on reopening on 31st October 2022 would be within the period of 120 days in view of Section 4 of the Limitation Act, 1963.

4. Reasons for the delay are explained in the application. There is no opposition to the grounds raised for condonation of delay. In the facts and circumstances of the case and for the reasons stated in the application, delay is condoned and the application is allowed in terms of prayer clause (a).

5. Original written statement shall be tendered in the court within two weeks as per the applicable rules of e-filing. Written statement is accordingly taken on record.

6. Since none appears for the plaintiff, by way of last chance to the plaintiff, list the suit on 23rd February 2026 for further directions.

7. Interim Application is allowed in the aforesaid terms.

[GAURI GODSE, J.]