

KABC170006792025



**IN THE COURT OF LXXXII ADDL.CITY CIVIL &
SESSIONS JUDGE, COMMERCIAL COURT, BENGALURU
(CCH-83)**

**PRESENT: SRI. VIDYADHAR SHIRAHATTI, L.L.M.,
LXXXII ADDL.CITY CIVIL & SESSIONS
JUDGE,
BENGALURU.**

Com.O.S.No.242/2025

Dated on this 24th Day of October 2025

Plaintiff Global Country of World peace.

// versus //

Defendants Raja Enterprises and Another.

ORDERS ON I.A. NO. 2 and 3

The Plaintiff filed I.A. No.2 and 3 under section 151 of CPC to recall and reopen the stage for filing the written statement to the counterclaim filed by the Defendant and permit the plaintiff to file the written statement to the counter-claim.

2. In accompanying affidavit the plaintiff stated that, the date of hearing i.e., on 26.06.2025, the present case was posted for the stage of filing of the written statement by the plaintiff to the counterclaim filed by the Defendants. The plaintiff is a company duly incorporated under the laws of United States of America and has its principal place of business in the State of Iowa. The Defendants had filed voluminous documents along with their counterclaim, and in light of the same, the undersigned counsel was in the process of obtaining necessary instructions and clarifications from the plaintiff. The instructions were still awaited, the written statement could not be filed on the said date. However, the stage was closed without giving an opportunity to the plaintiff. The plaintiff has a good case on merits and if the application is allowed no prejudice would be caused to the Defendants. On the contrary if the application is not allowed, the plaintiff would be put to great hardship, inconvenience and injustice would be caused to the plaintiff. Hence, he prayed to allow the application.

3. The defendant has filed detail common objection stating that, the application filed under Section 151 of CPC is in applicable under the provisions of Commercial Courts Act. A permission is sought to file written statement to the counterclaim and permit plaintiff to file written statement. The previous date of hearing is 26.06.2025. The present case was

posted for filing written statement to the counterclaim. The written statement along with counterclaim was filed on 25.04.2025. The case was advanced from 03.05.2025 with a notice to the plaintiff for filing of written statement along with documents. The court took the counterclaim, copies of which were served. The date of filing of written statement to the counterclaim would commence from 25.04.2025. The delay has not been explained. It is also not explained as to why within 30 days written statement to the counterclaim is not filed. It is not explained as to why the written statement could not be indicated to be filed within the statutory period. In the circumstance, the written statement to the counterclaim be rejected. Hence, he prayed to reject the application imposing exemplary costs.

4. I have heard the arguments of the learned advocate for the Plaintiff and the Defendants.

5. Based on the contentions of the respective parties, submissions made by the learned Advocates for both parties, I formulate the following Points for my consideration:-

1. Whether the Plaintiff has made out grounds to allow I.A. No. 2 ?

2. Whether the Plaintiff has made out grounds to allow I.A. No. 3 ?

3. What Order?

6. My findings are as follows:-

Point No. 1: - In the Affirmative.

Point No. 2: - In the Affirmative.

Point No. 3: - As per my final orders for the following reasons.

REASONS

7. Point No. 1 and 2: - The Defendant has taken a contention that, the written statement of the plaintiff have filed along with documents on 25.04.2025 and the notice was already served on date of filing the written statement to the counter-claim would commence from 25.04.2025. The delay has not been explained as to why the plaintiff has not filed his written statement to the counter-claim within 30 days.

8. I have gone through the application and objections wherein, the defendant has filed a counter claim on dated 25.04.2025 and the Plaintiff has filed I.A.No.2 and 3 along with written statement to the counter claim on dated

10.07.2025. The plaintiff has took 76 days time to file a written statement to the counter claim. The plaintiff has assigned the reason that, the plaintiff is a company duly incorporated under the laws of the United States of America and has its principal place of business in the State of Iowa. The Defendant has filed a voluminous documents along with their counter-claim. In the light of the same in the process of obtaining necessary instructions and clarifications from the plaintiff to file a written statement to the counter-claim has taken more time. Hence, prays to allow the application.

9. I have gone through the address of the plaintiff which is registered company in the United States. The reason assigned by the plaintiff is acceptable as many documents have been filed by the Defendant along with this counter-claim. Therefore, the Plaintiff has took extra 46 days time after completion of 30 days from the date of filing the counter-claim. Therefore, the reason assigned by the Plaintiff are acceptable and the written statement to the counter-claim of the plaintiff is taken on record.

Accordingly, I answer Point No.1 and 2 are in Affirmative.

10. Point No.3 : Accordingly, I pass the following;

ORDER

The I.A. No.2 and 3 filed by the Plaintiff under Section 151 of CPC is hereby allowed.

(Dictated to the Stenographer, typed by her, verified and corrected by me and then pronounced by me in open Court on this the **24th day of October 2025**).

**(VIDYADHAR SHIRAHATTI),
LXXXII Addl.City Civil & Sessions Judge,
Bengaluru.**