

**Com.OS.707/2021**

Perused the records. The Plaintiff has exhausted the remedy under Section 12A of the Commercial Courts Act. He has filed Non-Starter Report. He has also filed Statement of Truth.

Hence, issue suit summons to defendant, though the process of Court as well as by Registered Post Acknowledgment Due, on filing of PF, Postal Cover, Acknowledgment. Note be given on the process that defendant is required to file written statement within 30 days from the date of service. Note be also given that 120 days period is mandatory and extension can be granted.

Note be also given on the process that defendant shall file list of documents, photocopies of documents and all the documents in his power, possession, control and custody pertaining to the suit along with written statement or counter claim, if

any including -

(a) the documents referred to and relied on by the defendant in the written statement;

(b) the documents relating to any matter in question in the proceeding in the power, possession, control or custody of the defendant, irrespective of whether the same is in support of or adverse to the defendant's defence.

Further more, the list of documents to be filed with the written statement or counterclaim shall specify whether the documents, in the power, possession, control or custody of the defendant, are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document being produced by the defendant, mode of execution, issuance or receipt and line of custody of each document. The written statement or counterclaim shall contain a declaration on oath made by the deponent that all documents in the power,

possession, control or custody of the defendant, save and except for those set out in sub-rule (7) (c) (iii) pertaining to the facts and circumstances of the proceedings initiated by the Plaintiff or in the counterclaim, have been disclosed and copies thereof annexed with the written statement or counter-claim and that the defendants does not have in its power, possession, control or custody, any other documents. The written statement or counter-claim shall set out details of documents in the power, possession, control or custody of the plaintiff, which the defendant wishes to rely upon and which have not been disclosed with the plaint, and call upon the plaintiff to produce the same. Accordingly issue summons to the defendants, through process of Court and by RPAD, returnable by 03.12.2021.

(Typed to my dictation)

**LXXXII ACC &**

**SJ,B'LURU.**