

Com.O.S.7168/2015

Perused the I.A. filed under Section 151 of Civil Procedure Code dated 25.03.2021 by the 1st Defendant praying for recall of the Order dated 29.01.2020 and another I.A. under Section 151 of Civil Procedure Code praying for to receive the additional written statement on file and the objections filed by the Plaintiff to the said I.As received on 09.07.2021. In pursuance to the Amendment of the Plaint by the Plaintiff, the 1st Defendant is intending to file his additional written statement. After the Order that the additional written statement was taken as not filed on 29.01.2020, this suit was transferred to the Commercial Court on 03.02.2020. In the said circumstances by invoking the power under Proviso to Section 15 (4) of the Commercial Courts Act and on being satisfied about the grounds made in the accompanying affidavits, the said two I.As filed by the 1st Defendant are liable to be allowed with a condition that the delay in filing the same should be compensated by imposing cost of Rs. 5,000/- on each I.As and the said cost has to be paid by the 1st Defendant to the Plaintiff on the next occasion itself. If the cost is paid, the additional written statement of the 1st Defendant will be taken on record. With this observation, the matter is posted for payment of cost by 04.09.2021.

(Typed to my dictation)

LXXXII ACC & SJ, B'LURU.