

**ORDERS ON APPLICATION FILED
UNDER SECTION 151 OF CPC BY
THE DEFENDANT SEEKING
PERMISSION TO FILE WRITTEN
STATEMENT**

This is the suit filed by the Plaintiff seeking recovery of Rs.3,36,074/- with cost and current interest at the rate of 14.75% pa., compounded quarterly from the defendant. Originally suit was filed before Civil Judge Court, Nanjangud subsequently, in view of establishment of Commercial Courts same has been transferred to this court in the year 2020. After transfer of the suit summons to Defendants No.1 and 2 was served in December 2023 and on 08.01.2024 they have appeared through their counsel. However, Defendants have not filed the written statement within stipulated time, now on 22.04.2025 the defendant No.1 has filed the written statement along with present application seeking permission to file the written statement.

In his affidavit filed in support of the application the defendant No.1 has contended that, after filing Vakalath, he contacted the Plaintiff Bank officials regarding the registered Discharge Deed, as well as the no due certificate at that point of time the Plaintiff Bank officials assured him that they will withdraw the suit, on the assurance made by the Plaintiff's Bank officials he has not contacted his counsel and gave instructions to file written statement, recently he contacted his counsel and enquired about the status of the case and he came to know that the Plaintiff Bank officials adduced the evidence instead of withdrawing the suit, the defendant No.1 has decided to file the written statement. Hence, it is necessary to condone the delay in filling the written statement.

As per the Order 8 of the Amended Schedule of the Commercial Courts Act, the defendant has to file the written statement within 30 days from the date of service of summons, in case if the defendant fails to file the written statement

within 30 days he shall be allowed to file the written statement on such other dates for the reasons to be recorded in writing and on payment of cost, but it shall not be later than 120 days from the date of service of summons. On expiry of 120 days the defendant shall forfeit the right to file written statement and Court shall not allow the written statement to be taken on record. Further, in the order of ***Hon'ble High Court of Karnataka in WP.No.34745/2024(GM-CPC) M/s. Imagex Technologies Indian Pvt., Ltd., V/s. M/s. Graintec Industries and another*** dated 04.06.2025 the Hon'ble High Court has held that, maximum permissible limit for filing written statement that a Court can extend time in exceptional circumstances only upto 120 days. Therefore, it appears that here in the present case the defendant No.1 has failed to file the written statement within 120 days from the date of service of summons. Therefore, I am unable to find any valid reasons to allow the defendant No.1 to file written statement. Hence, application filed by the defendant No.1 U/Sec.151 of C.P.C.

is liable to be rejected. Hence, the following;

ORDER

The application filed by the Defendant No.1 under Section 151 of C.P.C. seeking permission to file written statement is rejected.

For arguments. Call on : 08.07.2025.

II Addl. District & Sessions Judge,
Mysuru.