

**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.3,41,018/- with interest at the rate of 12% pa., from the defendant. In which summons was served to defendant on 26.07.2023 and the defendant has appeared through his counsel on 19.09.2023. However, the defendant has not filed the written statement within stipulated time, now on 18.02.2025 the defendant 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's representative has contended that, though on 19.09.2023 the defendant has appeared through his counsel, in the meantime there was settlement talks between the Plaintiff and defendant. Hence, the defendant has not filed the written statement with the hope

that the matter will be settled. But now when settlement talks are going on all of a sudden the Plaintiff has come forward to adduce evidence, the defendant has decided to file the written statement. Hence, it is necessary to condone the delay in filing 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 latter than 120 days from the date of service of summons. On expiry of 120 days the defendant shall forfeite 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. Grintec 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 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 to file written statement. Hence, application filed by the defendant U/S 151 of C.P.C. is liable to be rejected. Hence, the following;

**ORDER**

The application filed by the defendant under Section 151 of C.P.C. seeking permission to file written statement is rejected.

For cross of PW.1. Call on 01.07.2025.

II Addl. District & Sessions Judge,  
Mysuru.