

Order below Exh. 45 in Commercial Suit No.1/2022

1. On behalf of the defendants this application is made requesting further time to file written statement.
2. The learned advocate Shri. S. D. Kotkar for the plaintiff objected the application contending that the suit was initially pending before the Civil Judge, Senior Division, Sangamner, wherein the present defendant No. 3 appeared on 19.12.2020 and defendant Nos. 1 and 2 appeared on 25.03.2021. As per the provision, the written statement in commercial dispute needs to be filed within 30 days. That period is over long back and hence no further time can be granted to file written statement.
3. Heard learned advocate Shri. Gonge for the defendants and learned advocate Shri. Kotkar for the plaintiff.
4. According to learned advocate Shri. Gonge, the status of regular civil suit is ended the moment when the suit is converted into commercial dispute and thus 90 days period has to be counted from the date when the defendants appeared before this Court i. e. on 17.01.2022. He further submits that, the important documents are yet to be received, hence written statement can not be filed, therefore defendants are entitle for further time to file written statement.

5. According to learned advocate for the plaintiff, 90 days time provided in C. P. C. is for suits before the Civil Courts and not for the commercial disputes. According to him, in discretion the Court can grant only 30 days time from the date of service of summons. As in the present case the matter is transferred and as the defendants have appeared on 17.01.2022, the Court can grant time only till 17.02.2022 that too if the grounds mentioned in the application are satisfactory.

6. After going through the Order VIII Rule-1 of C.P.C., specially the proviso applicable to the commercial disputes. It is seen that the Court can grant only 30 days time to file written statement. It is true that, the further part of the proviso empowers the Court to accept the written statement thereafter also, if sufficient reason is shown. But that does not mean that the Court can extent time more than 30 days. Thus, I agree with the argument of learned advocate of the plaintiff. Considering the facts and circumstances of this case, 30 days time to file written statement can be granted from 17.01.2022 i. e. till 18.02.2022..

7. In view of the above discussion, following order is passed.

ORDER

As the matter of last chance, time is granted to the defendants to file their written statement till 18.02.2022.

(The order is dictated in presence of both the advocates.)

Date:- 21.01.2022

Sd/-x x x
(S. Y. Bhosale)
District Judge-2,
Sangamner.