

T.S. 15/21 (CC)

**Present : Neyaz Alam
Judge, Commercial Court at Rajarhat,
North 24 Parganas**

(CNR NO. WBNP19-000065-2021)

J.O : WB01398

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18.11.2021

Today is fixed for acceptance of written statement and injunction hearing.

The defendant submits that he has filed the written statement well within the time i.e. on 13.09.2021 although he appeared in this suit on 07.06.2021 after learning the pendency of the suit against him, furthermore he submitted that during the pendency of the suit in the Barasat Judgeship the General Code of Civil Procedure was prevalent and after transfer of the same suit to this Commercial Court all the rigours and procedures of the commercial Court Act comes into effect. Also submitted that in Hon'ble Supreme Court Miscellaneous application No. 665/2021 in SMW (c) No. 3/2020; in Cognizance for extension of limitation alongwith IA No. GA/3/2021 in CS/6/2021, Softel Associates Pvt. Ltd. vs Surana Mercantiles Pvt. Ltd. granting or extending the limitation period.

On the other hand, the plaintiff raised objection and urged before the court summons were duly served on 16.09.2019 as reflected from the track status of the postal receipt and counting from the same the defendant did not file the written statement, hence the written statement filed belatedly must not be accepted and in support of the same Sou Motu Writ Petitioner (civil) No. 3 of 2020 has been relied on. .

Heard both sides. It is apparent that the defendant did not appear at the first instance before Barasat Court after service of summons but made appearance after transfer of the suit to this court which he claims to have acquired knowledge of the suit subsequently. It is a fact that the suit while pending at the Barasat judgeship was governed by the General Code of Civil Procedure and after transfer to this court strict rigours of Commercial Courts Act comes into effect especially S.15(3) of the C.C. Act, 2015. Amid the Corona pandemic and the cognizance taken by the Hon'ble Court I am of the opinion that the written statement has been filed within time and to subserve the justice the defendant should be penalized for not being vigilant and accordingly a sum of Rs. 2000/- is imposed as cost.

Later

The injunction application is taken up for hearing. Heard both sides in full and concluded.

To 30.11.2021 passing of order and filing of receipt showing payment of cost.

Sd/- Neyaz Alam
Judge
Commercial Court at Rajarhat
North 24 Parganas