

SUPREME COURT OF INDIA

Before: Justice M.R. Shah, Justice B.V. Nagarathna.

CENTAUR PHARMACEUTICALS PVT. LTD. & ANR. – Petitioner(s)

Versus

STANFORD LABORATORIES PVT. LTD. – Respondent(s)

Petition(s) for Special Leave to Appeal (C) No(s). 17298/2021 (Arising out of impugned final judgment and order dated 20-04-2021 in AN No. 2056/2020 passed by the High Court Of Judicature At Madras)

CPC, Order 8 Rule 1 as amended by the Commercial Courts Act, 2015 - Limitation - Extending the period of limitation in filing the written statement - In Suo Motu Writ Petition No.3 of 2020 dated 23.03.2020, "In re: Cognizance for extension of limitation" - The period of limitation which could have been extended and/or condoned by the Tribunal/Court is excluded and/or extended even up to 07.10.2021 - Delay of filing the written statement (beyond 120 days) has to be condoned, since, for computation of limitation the period from 15.03.2020 to 14.03.2021 has to be excluded - Order passed in 2021 PLRonline 5009 (Mad.), upheld.

Editor: SLP against order passed by the Madras High Court (in 2021 PLRonline 5009 (Mad.)) granting permission to file Written statement beyond the statutory period of 120 days while considering the period prescribed under period of limitation prescribed under Order VIII Rule 1 of C.P.C as amended by the Commercial Courts Act, 2015. Respondent received the suit summons on 23.01.2020. The 30 days limitation period expired on 22.02.2020. As per the time limit prescribed under the code, the upper limit with condonation of delay expired on 23.05.2020. Whereas, the written statement e-filed on 14.07.2020.

UPON hearing the counsel the Court made the following

ORDER

(04.01.2022) - Having heard the learned counsel for the respective parties, we are of the opinion that, in the facts and circumstances of the case, the High Court has not committed any error in extending the period of limitation in filing the written statement and consequently taking on record the written statement filed on behalf of the respondent-original defendant.

2. Even as held by this Court in the subsequent orders even the period of limitation which could have been extended and/or condoned by the Tribunal/Court is excluded and/or extended even up to 07.10.2021.

3. In that view of the matter, we see no reason to interfere with the impugned judgment

and order passed by the High Court. Hence, the Special Leave Petitions stand dismissed. Consequent upon the dismissal of the Special Leave Petitions, the interim order passed by this Court stands vacated. Pending applications stand disposed of.