

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 287 OF 2015

Bhavik Bharatbhai Shah.

: Plaintiff

V/s.

Anil Narendranath Wahal & Anr.

: Defendants

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Mr. Chirag Balsara, a/w Mr. Dushyant Kumar a/w Mr. Onam Hingorani
for Plaintiff.

Mr. Suraj Iyer i/b. Ganesh & Co. for defendant.

CORAM : K. K. TATED, J.

DATED: NOVEMBER 24, 2015

P.C. :

1. Heard learned counsel for parties. This Summary Suit is for recovery of sum of Rs. 4,61,63,288/- with 15% interest per annum on principal amount of Rs. 4,10,00,000/-. In the present proceeding, on the basis of loan agreement, plaintiff has given the said amount to the defendants. Plaintiff preferred Summons for Judgment No. 28 of 2015. In that Summons for Judgment this Court by Order dated 24th August 2015, granted conditional leave to the defendants to defend the suit by depositing sum of Rs. 4,10,00,000/- with the office of Prothonotary and Senior Master High Court of Bombay within six weeks. As the defendant failed to comply with the said condition the plaintiff obtained Non-deposit Certificate dated 23rd October 2015 from the Registry.

2. Today the matter is shown on board for ex-parte decree. Advocate appearing on behalf of plaintiff filed compilation of original

documents. Same is taken on record and marked "X" for identification.

In view of Order XXXVII Rule 3 (6) (b) the plaintiff is entitled to decree.

- A. Decree is passed in favour of Plaintiff and against Defendants directing Defendants to pay to Plaintiff a sum of Rs. 4,61,63,288/- (Rupees Four Crores and Sixty One Lacs Sixty Three Thousand and Two Eighty Eight Only.) as per particulars of claim at Exhibit "F" to the plaint together with interest @ 15% per annum on the principal sum of Rs. 4,10,00,000/- (Rupees Four Crores and Ten Lacs only) from the date of suit till judgment and decree with further interest thereon at @ 15% per annum from the date of decree till payment and/or realization;
- B. Issuance of certified copy of decree is expedited.
- C. Costs of the suit.
- D. Liberty granted to plaintiff to make appropriate application to the Prothonotary and Senior Master for withdrawal of the original document.

(K. K. TATED, J.)