

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

SUMMARY SUIT NO. 639 OF 2014

Gul Murlidhar Kalwani

.. Plaintiff

Vs.

AminNoorali Rangara & Anr.

.. Defendants

Mr.Shanay Shah a/w. Ms.Saloni Kapadia i/b M/s. Solomon & Co. for plaintiff.

CORAM : K.R.SHRIRAM, J.

DATE : 28TH JULY, 2015

P.C.

1 The plaintiff has filed this suit for recovering amounts under the agreement dated 30.09.2015. It is stated in the plaint that as provided under the agreement, the defendants had to pay to the plaintiff a sum of Rs.1,13,40,000/-. The plaintiff issued a notice dated 12.04.2014 to which there is no reply. The plaintiff has also filed a joint affidavit of service of one Mr.Anant Dandekar, a Bailiff in the office of the Sheriff of Mumbai and one Mr.Vikas S. Kamati, a representative of the plaintiff, affirmed on 17.05.2015. As on date, no reply has been filed by the defendants. The plaintiff has also filed an affidavit of documents and a compilation of 7 documents. The affidavit of documents is taken on record. The compilation of documents is also taken on record and marked as **Exh.P-1 colly.** The defendants not having filed any affidavit in reply seeking leave to defend,

the plaintiff, under Order 37 Rule 3(6)(a) of the Code of Civil Procedure, 1908, is entitled to decree forthwith in terms of prayer clause (a) which reads as under :

(a) this Hon'ble Court be pleased to order and decree the defendant nos.1 and 2 jointly and severally to pay to the plaintiff a sum of Rs.1,13,40,000/- as per Particulars of Claim (Exhibit "E" hereto) with interest on Rs.1.13,40,000/- at the rate of 18% per annum or at such rate as may be decided by this Hon'ble Court from the date of filing of this suit till payment or realization and costs of the suit.

2 It is further clarified that the interest granted is 9% p.a. and not 18% p.a. The plaintiff will also be entitled to costs in the sum of Rs.50,000/-.

3 Refund of court fees, if any, in accordance with Rules.

(K.R. SHRIRAM, J.)