

1 This Summary Suit is filed by the plaintiff for recovery of amount due under two cheques dtd. 31st March, 2011 issued by defendant no.1 to the Plaintiff-Company towards transactions in shares. The first cheque is of Rs.33,72,366.62 and the second cheque was of Rs.93,26,194/-. Defendant no.2 is the financial guarantor for defendant no.1. The two cheques dishonoured when presented for payment. The bank on which the cheques were drawn by it's intimation dtd. 14th May, 2011 informed the plaintiff that the cheques returned unpaid for the reason of "insufficient funds". Thereafter the plaintiff through Advocate's notices dtd. 11th June, 2011 called upon defendants

no.1 and 2 to pay the amount under the cheques. Defendants no.1 and 2 did not make the payment. By another advocate's notice dtd. 25th April, 2013 addressed to all the defendants, once again, a demand was made by the plaintiff with a further intimation that in the event the defendants failed to make the payment, the plaintiff would file appropriate proceedings in the court of law. The defendants failed to respond to the second notice also. Thereupon the plaintiff filed the suit herein on 3rd June, 2013.

2 The Writ of Summons in the suit is served upon the defendants. Despite receipt of the summons, the defendants have not appeared before the court to contest the same. The plaintiff has filed affidavit of examination-in-chief of it's employee, who has been duly authorised by the resolution dtd.10th March, 2014 to depose in the suit. The plaintiff has also produced the original documents including the cheques dtd. 31st March, 2011, thereby establishing the plaintiff's claim. The plaintiff has sought interest @18% per annum on the principal amount of Rs.1,26,98,560.62 from the date of the suit till payment. The claim of the plaintiff being established, the suit is decreed in terms of prayer clause (a).

(Smt. R.P. SondurBaldota, J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed Order.