

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

SUMMARY SUIT NO. 686 OF 2014

M/s. HTP Global Technologies Pvt. Ltd. : Plaintiff

V/s.

M/s. Omnitech Inforsolutions Ltd. : Defendant

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Mr. Pankaj G. Jain i/b. G. M. Jain for Plaintiff.

None present for Defendant.

CORAM : K. K. TATED, J.

DATED: NOVEMBER 24, 2015.

P.C. :

. Heard learned counsel Mr. Pankaj Jain for plaintiff. None for the defendant though duly served.

2 The plaintiff filed the Summary Suit on the basis of invoices and dishonored for goods sold and delivered to the defendant. The plaintiff preferred Summons for Judgment No. 104 of 2014. The said SJ No. 104 of 2014 was decided on 30th June 2015, granting conditional leave to the defendant to defend the suit on depositing Rs. 2,26,22,992/- within six weeks from the date of order. The defendant failed to deposit the said amount within stipulated time. The plaintiff filed Non Deposit Certificate, issued by the Registry.

3. Advocate appearing on behalf of plaintiff filed a list of the original documents. The same is taken on record and marked "X" for identification.

4. As the defendant failed and neglected to comply with the terms and conditions of order dated 30th June 2015 passed in Summons for Judgment No. 104 of 2014, plaintiff is entitled to decree under Order XXXVII Rule 3 (6) (b) of Civil Procedure Code.

5. Hence suit is decreed in terms of prayer clause (a) with future interest @ 12% per annum till the date of payment. Prayer clause (a) reads thus.

- a) That the Defendants be ordered and decreed to pay the plaintiffs a sum of Rs. 2,26, 67, 815/- as principal amount and Rs.35,02,643/- as interest at the rate of 24% p.a. on Rs. 2,26,67,815/- from 7th November 2013 to 30th June 2014, aggregating to Rs.2,61,70,458/- as per Exhibit 'K' attached herewith, till the filing of the suit and further interest on principal amount Rs. 2,26,67,815/- at the rate of 24% p.a. or at such other rate as this Hon'ble Court may deem fit and proper from the date of filing of the suit till payment, and costs of the suit.
- b) Refund of court fees according to rules and regulation.
- c) Issuance of certified copy expedited.

(K. K. TATED, J.)