

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

SUMMARY SUIT NO.233/2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ankit Lohia a/w. Mr. Fraser Alexander i/b. Majmudar & Partners for the Plaintiff

CORAM : K. K. TATED, J.

DATE : DECEMBER 2, 2015

P.C.:

1. Heard. The learned counsel for the Plaintiff submits that they filed the Summary Suit for recovery of security deposit made by them to the Defendant as per the leave and license agreement.

2. He submits that they preferred Summons for Judgment which was decided by this court (Coram : K. R. Shriram, J.) on 27/07/2015 and granted conditional leave to the Defendant to defend the suit. He submits that the Defendant failed and neglected to deposit the said amount in the Registry. To that effect, they obtained Non Deposit Certificate dated 23/10/2015, which is filed in connected Summary Suit No.669/2013.

3. The learned counsel for the Plaintiff submits that they are claiming interest @ 12% p.a. as per the terms and conditions of the leave and license agreement.

4. As the Defendant failed and neglected to deposit the amount as per the order passed by this court in Summons for Judgment, the Plaintiff is entitled to decree as per Order 37 Rule 3(6)(b) of the Code of Civil Procedure, 1908.

5. Hence, following order is passed:

a. Suit is decreed in terms of prayer clause (a) which reads thus:

(a) that the Defendant be ordered and decreed to pay the Plaintiff a sum of Rs.3,23,59,468.07 and further interest at a rate of 12% p.a. from the date of filing this suit until payment as per the particulars of claim at Exhibit "L" herein.

b. Cost of the suit.

c. Issuance of certified copy of decree is expedited.

JUDGE