

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

SUMMARY SUIT NO.2154 OF 2010

SBI Global Factors Ltd.Plaintiffs

V/s.

Maruvor Arasi Textiles India Pvt. Ltd. & Ors.Defendants

Mr.Dinesh Kumar Jain i/by PKA Advocates for plaintiffs.

None for defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 15.6.2016**

P.C.:-

1 Ex-parte order has been obtained against defendants 1, 2 & 4 on 5.5.2016 because defendants 1, 2 & 4 did not even file Vakalatnama or entered appearance though served with the writ of summons. Defendant no.3 had filed Vakalatnama but the plaintiffs had not taken out summons for judgment as against defendant no.3.

2 This summary suit was lodged on 15.2.2010. The defendant no.3 entered appearance on 4.1.2012. We are on 15.6.2016. Till date the plaintiffs have not taken out summons for judgment. Mr.Dinesh Jain appearing for the plaintiffs seeks further time to take out summons for judgment. He states that earlier some other Advocate was handling the matter. There was no explanation as to what the clients were doing for six years. Under Rule 227 of the

Bombay High Court (O.S) Rules if the plaintiff does not apply for a decree within six months after the filing of the plaint, the suit shall be set down for dismissal on the board of the Judge in Chambers. Six months expired almost six years ago.

3 In the circumstances, suit requires to be dismissed against defendant no.3. Suit dismissed as against defendant no.3 and disposed accordingly.

(K.R.SHRIRAM,J)