

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

SUMMARY SUIT NO. 1273 OF 2010

Tata Capital Financial Services Limited	.. Plaintiff
Vs.	
Hathibhai Bulakhidas Pvt. Ltd.	.. Defendant

Mr.Jay Vakil a/w. Mr.Tushar Kadam for plaintiff.

Mr.Hamla Tatli i/b Diamondwala & Co. for defendant.

CORAM : K.R.SHRIRAM, J.
DATE : 1ST SEPTEMBER, 2016

P.C.

1 On 19th August 2016, this Court observed as under :

“2 By an order dated 24th February, 2014, the defendant was granted conditional leave to defend, the condition being deposit of a sum of Rs.11,78,30,038/- within a period of eight weeks. The defendant carried the matter in appeal. By an order dated 18th November, 2015 the court was pleased to dismiss the appeal and extended the time to deposit by five weeks. The defendant carried the matter further to the Supreme Court and the Supreme Court disposed the appeal by an order dated 11th January, 2016 by modifying the impugned order to the effect that the defendant should deposit 50% of the principal amount within eight weeks from that day. The eight weeks period expired on or about 7th March, 2016. The defendant sat tight over the whole matter and has filed the Review Petition on or about 11th July, 2016, more than four months after the time to deposit has expired.”

2 On 24th August 2016, the Review Petition has been dismissed. The defendant has not complied with the directions of depositing 50% of the principal amount for leave to defend.

3 The plaintiff has also filed affidavit in evidence of one G.Selvakumar, affirmed on 6th June 2016 together with compilation of 86 documents. The statements contained in the affidavit of evidence are accepted.

4 In the circumstances, the suit stands decreed.

5 The decree be drawn up accordingly.

(K.R. SHRIRAM, J.)