

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

**SUMMONS FOR JUDGMENT NO. 30 OF 2015
IN
SUMMARY SUIT NO. 251 OF 2015**

Mr.Bindya Chawla & Ors.

...Plaintiffs

vs.

Shri Ajay Chawla

...Defendant

Mr.Sachin Daga for Plaintiff.

Mr.Gautam Ankhad with Nishtha Mohanty i/b. Crawford Bayley & Co. for
Defendant.

CORAM : S.C. GUPTA, J.

18 JANUARY 2016

P.C. :

This summary suit is filed on a decree of a foreign court. That decree provides for maintenance of the Plaintiff and her daughter. Plaintiff No.1 is the ex-wife of the Defendant. This suit is filed since there is no reciprocity agreement between India and US. The Plaintiffs cannot execute the US decree in India. The suit is neither a suit filed on bills of exchange or promissory notes or a suit, which arises on a written contract or an enactment or a guarantee under Order 37 Rule 1 Sub-rule 2 of CPC. The suit is not maintainable as a summary suit. The Defendant will have to be given unconditional leave to defend the suit.

2 Accordingly, the Defendant is given leave to defend the suit unconditionally. Written statement to be filed within a period of six weeks from today. The suit to come up on board for directions after six weeks.

3 The summons for judgment is disposed of.

(S.C. Gupta, J.)