

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

**SUMMONS FOR JUDGMENT NO.44 OF 2016
IN
SUMMARY SUIT NO.621 OF 2015**

Shreeji Realtors (I) Pvt. Ltd.Plaintiffs

Vs.

Patel Group & Co. & Ors.Defendants

Mr. Suresh Dubey for the plaintiffs.

Mr. Deepak Enakphale i/b. Kadam & Co. for the defendants.

**CORAM : K.R.SHRIRAM, J.
DATE : 21st NOVEMBER, 2016**

P.C.

1 The plaintiffs have filed this summary suit claiming a sum of Rs.2,58,70,895/-. It is stated in the plaint that the plaintiffs were given work of construction of four buildings of 18 storeys and 30 storeys sale building for the rehabilitation of MHADA tenements and the parties entered into Memorandum of Understanding dated 29th February, 2012. According to the plaintiffs for the work done the defendants owed to the plaintiffs a sum of Rs.9,98,55,345/-. Against this amount the plaintiffs agreed to accept a sum of Rs.8,50,00,000/- in full and final settlement. The defendants it is stated promised to pay this amount of Rs.8,50,00,000/- in three months. The defendants also had given six cheques for Rs.2,58,70,895/- which is the amount claimed in this suit. The cheques were either dishonored or were not presented as the plaintiffs were

requested not to deposit. Copies of the cheques are annexed to the plaint. The plaintiffs have also tendered a compilation in which the plaintiffs have annexed the original six cheques.

2 In the order dated 10th October, 2016 it is recorded that the defendants were served the summons for judgment on 4th July, 2016 but no affidavit in reply or application for leave to defend has been filed. At the same time, the counsel for the plaintiffs stated that his instructions were settlement talks were on and requested the matter be stood over to 24th October, 2016. On 24th October, 2016 it was stood over to 25th October, 2016 and on 25th October, 2016 it was stood over to 21st November, 2016. On none of the three dates the defendants were represented in court by their advocates though Kadam and Co. had filed Vakalatnama.

3 Today the defendants are represented and the counsel for the defendants confirms that no reply has been filed or any application for leave to defend has been filed. Today the counsel for the defendants states that the settlement talks are still on. Mr. Dubey, counsel appearing for the plaintiffs flatly denies that any settlement talks are going on.

4 As the defendants have not filed any affidavit in reply or application for leave to defend, the plaintiffs are entitled to judgment forthwith under Order 37 Rule 3 Sub-rule 6 of the Code of Civil Procedure,

1908. The counsel for the plaintiffs also tenders a compilation of documents including the six cheques. The same are taken on record and marked **Exhibit P-1** collectively.

5 In the circumstances, the plaintiffs are entitled to a decree as prayed for. The suit stands decreed. Decree be drawn up accordingly.

6 The summons for judgment also stands disposed.

7 The plaintiffs are also entitled to cost in the sum of Rs.50,000/-. From the date of the suit until payment/realisation the defendants also to pay interest at 12% p.a.

(K.R. SHRIRAM, J.)