

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

**SUMMONS FOR JUDGEMENT NO. 45 OF 2015
IN
SUMMARY SUIT NO. 1078 OF 1999**

Larsen & Toubro Limited

.. Plaintiff

Vs.

M/s. GSL India Limited

.. Defendant

Mr.Vishal Talsania a/w. Ms.Radha Ved i/b Sanjay Udeshi & Co. for plaintiff.
None for defendant.

CORAM : K.R.SHRIRAM, J.

DATE : 18TH JULY, 2016

P.C.

1 The plaintiff had taken out the summons for judgement bearing No. 565 of 1999 which was allowed to be withdrawn with liberty to take out fresh summons for judgement by an order dated 14th September 2005, since the defendant no.1 has filed reference to B.I.F.R.

2 On 17th June 2015, this Court was informed that the defendant-company has come out of B.I.F.R. and when they made an attempt to serve the defendant at its registered address, since the earlier Advocate of the Company, viz., Shri S.K. Jain Associates refused to accept the summons for judgement stating that they were no more involved in the matter and the defendant had collected all the papers from them along with their No Objection Certificate, the packet came back undelivered with the remark

“left”. On 8th February 2016, the plaintiff was granted opportunity to make one more attempt of service and the matter was stood over to 8th March 2016.

3 On 5th April 2016, the plaintiff stated that after 8th February 2016, the plaintiff again attempted to serve the defendant at the registered address but packet has come back unserved with an endorsement 'left'. The Court, therefore, permitted the plaintiff to serve by substituted service.

4 The plaintiff had filed an affidavit of service of one Shonali Choudhary, affirmed on 16th July 2016 in which it is stated that the summons for judgement was published in Financial Express, dated 14th May 2016 in Gujarati language-daily local newspaper circulated in Bharuch District. It was also published in Financial Express in English language-daily local newspaper circulated in Bharuch District dated 14th May 2016.

5 Nobody has appeared for the defendant. The defendant has not filed any reply to the summons for judgement nor any application for leave to defend.

6 Therefore, under Order 37 Rule (3)(6) of Code of Civil Procedure, 1908, the plaintiff is entitled to summary decree.

7 The suit, therefore, decreed as prayed for.

The summons for judgement accordingly stands disposed.

Decree be drawn up accordingly.

The suit stands disposed.

(K.R. SHRIRAM, J.)