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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 1079/2009**

M/S INNOVATIVE TEXTILES PVT. LTD & ANR. Plaintiffs

Through: Mr. Salar M. Khan, Advocate.

versus

SH. HEM CHAND SHARMA & ANR

..... Defendants

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% 27.05.2016

I.A. No.6781/2016 (under Section 151 CPC) and CS(OS) No.1079/2009

1. By this application, plaintiffs seek passing of a decree under Order 37 of Code of Civil Procedure, 1908 (CPC) suit. Counsel for the plaintiffs has placed reliance upon para 22 of the order dated 24.8.2015 passed by a learned Single Judge of this Court by which defendants were granted four weeks time to comply with the directions of furnishing the bank guarantee of Rs.2,20,50,000/- and which period was thereafter extended by the order dated 15.10.2015 but the defendants failed to comply with the same. Attention of this Court is also drawn to the order dated 27.4.2016 when another application filed by the defendants for extension of time to

CS(OS) No.1079/2009

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comply with the order dated 24.8.2015 was dismissed. It is accordingly prayed that since the conditions for grant of leave to defend have not been complied with, a decree be passed

2. Order 37 Rule 3(6)(b) of CPC provides that in case the defendant fails to comply with the directions at the time of leave to defend, plaintiff will be entitled to a judgment forthwith. Accordingly, in view of this provision, suit of the plaintiffs is decreed by passing a money decree in favour of the plaintiffs and against the defendants for a sum of Rs.2,20,50,000/-. Plaintiffs will also be entitled to pendente lite and future interest till payment against the defendants @ 9% per annum simple. Plaintiffs will also be entitled to the costs of the suit. Let a decree be accordingly drawn up.

3. Suit and the application are accordingly disposed of. Next date of 13.7.2016 will stand cancelled.

VALMIKI J. MEHTA, J

MAY 27, 2016

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