

comprising of the principal sum of Rs.1,08,05,808.84 together with interest at the rate of 12 % per annum from their respective date of payments due till filing of the suit along with future interest till payment and/or realization.

3 The brief facts giving rise to the present claim is that Defendant No.2 approached the Plaintiff to supply goods manufactured by the Plaintiff, namely, Compreg Board and Compreg Slats (for short “the said goods”) and assuring the Plaintiff that the payments for the supplied material would be made by the Defendants at the earliest and on a timely basis. Relying upon these assurances the Plaintiff supplied said goods to the Defendants from time to time as per their request from the year 2008 to 2014. For supply of the said goods, the details of the outstanding invoices are set out in paragraph 3(Xlviii). These invoices are from 20.10.2011 to 08.07.2013. The aggregate amount of the outstanding under these invoices comes to Rs.1,08,05,808.84. Since these invoices were not paid, the present Commercial Suit came to be filed.

4 Once the suit was filed, the Defendants entered their

appearance through an Advocate. However, despite entering their appearance, till date no reply has been filed to dispute the claim of the Plaintiff.

5 Apart from this, Mr Purohit, learned advocate appearing on behalf of the Plaintiff brought to my attention a letter dated 22nd June, 2015 (Exh “Z-1” page 102(A) of the paper book). This letter is addressed by the Defendants to the Plaintiff admitting that they owe an amount of Rs.1,08,05,809/- for the purchase of said goods. They have also in the said letter, set out a schedule of payment as mentioned therein. Mr Purohit pointed out to me that out of this total amount of Rs.1,08,05,809/- a sum of Rs.3 Lacs has been paid and the balance sum has not been paid till date.

6 Having gone through the papers and proceedings in the suit and considering that there is clear admission of liability by the Defendants, I am satisfied that the Defendants have no defence of whatsoever nature to the claim of the Plaintiff in the suit. The Defendants after engaging an advocate have not come forward to oppose the Summons for Judgment and have not filed

any affidavit-in-reply opposing the claim of the Plaintiff.

7 In these circumstances, the Plaintiff is entitled to a Judgment in this suit against the Defendants for the sum of Rs.1,35,75,517.23 together with interest thereon at the rate of 12 % per annum on the principal sum of Rs.1,05,05,808.84 from the date of filing of the suit till payment and or realization. The Summons for Judgment is disposed of in the aforesaid terms. In view of the fact that the Judgment has been entered in favour of the Plaintiff, the Commercial Suit also stands disposed of. Refund of court fees, if any, as per rules. The certified copy of the decree is expedited.

(B. P. COLABAWALLA, J.)