

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

**SUMMONS FOR JUDGMENT NO.57 OF 2016  
IN  
SUMMARY SUIT NO.866 OF 2015**

M/s. India Factoring and Finance Solutions

Pvt. Ltd.

... Plaintiff

versus

Kaustuv Ray and Ors.

... Defendants

Mr. Anup Khaitan i/by M/s. Anup Khaitan and Co., for Plaintiff.

Mr. Nirman Sharma with Mr. Sachin Chowdhari i/by M/s. Dharam and Co., for Defendants.

**CORAM: S.J. KATHAWALLA, J.**

**DATE: 4<sup>th</sup> JANUARY, 2017**

**P.C.:**

1. On 24<sup>th</sup> June, 2016 this Court (Coram : K.R.Shiram, J.) passed the following order :

“1. Mr.Anup Khaitan, Advocate states that he has been recently instructed in the matter and undertakes to file the Vakalatnama in the registry within one week from today. The counsel states that within two weeks from today, the plaintiff will lodge the summons for judgment and also serve the same upon the advocate for the defendants. The statement accepted.

It is made clear that if the summons for judgment is not lodged and copy served within two weeks, the suit will get

stand dismissed automatically without further reference to the Court.”

2. Admittedly, a copy of the Summons for Judgment was not served within two weeks. Consequently, the Suit stood dismissed without reference to this Court. In view thereof, the Advocate for the Plaintiff shall take out appropriate proceedings seeking restoration of the Suit if so advised.

**(S.J.KATHAWALLA,J.)**