

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**SUMMARY SUIT NO. 697 OF 2014**

Anchor Electricals Private Limited ... Plaintiff

Versus

Shreepal Electricals and Anr. ... Defendants

Mr. Vishal Kanade a/w. Mr. Pranav Arora i/b. M/s. Crawford Bayley and Company for the Plaintiff.  
None for the Defendants.

**CORAM : S.J. KATHAWALLA, J.**  
**DATED : 25<sup>TH</sup> JANUARY, 2017**

**JUDGMENT:**

1. The above Summary Suit is filed by the Plaintiff under Order XXXVII of the Code of Civil Procedure, 1908 (CPC) for an Order and Decree against the Defendants to pay to the Plaintiff a sum of Rs. 2,10,50,691/- as per the Particulars of Claim annexed and marked as Exhibit- I to the Plaint with further interest at the rate of 24% per annum from the date of filing of the Suit till payment and / or realization.

2. The above Summary Suit is filed to recover a liquidated sum of money, due and payable by the Defendants to the Plaintiff on the basis of the written Contract contained in the invoices, annexed and marked as Exhibit-A collectively to the Plaint and the negotiable instrument i.e. Cheque bearing No. 583834 dated 9th November, 2012, annexed and marked as Exhibit-D to the Plaint, issued by

the Defendants to the Plaintiff and dishonoured upon presentment.

3. The Plaintiff has claimed interest at the rate of 24% per annum on the amount due under the invoices and also from the date of the filing of the Summary Suit till payment and / or realization. After filing of the Summary Suit, the Plaintiff has sought to serve the Writ of Summons on the Defendants. However, since the packets containing the Writ of Summons were returned with the remarks 'unclaimed / intimation posted / not known etc.' the Plaintiff served the Writ of Summons on the Defendants through news paper publication, as can be seen from the Affidavit proving service dated 28th August, 2015. Since the Defendants have not entered their appearance and not come forward to defend the above Summary Suit, the Plaintiff is entitled to a Decree and Order as prayed. The Plaintiff has tendered the original documents in Court. In view of Sub Clause (3) of Rule 2 of Order XXXVII of the CPC, the Plaintiff is forthwith entitled to a Decree against the Defendants. However, from the date of filing of the Suit, the Plaintiff is allowed to recover interest from the Defendants on the principal amount of Rs. 1,64,27,010/- at the rate of 18% per annum. Hence, the following order :

i. The Defendants are ordered and decreed to pay to the Plaintiff, a sum of Rs. 2,10,50,691/- as per the Particulars of Claim annexed and marked as Exhibit-I to the Plaint, with further interest on Rs.1,64,27,010/- at the rate of 18% per annum from the date of filing of the Suit till payment and / or realization.

- ii. The Defendants shall pay to the Plaintiff the costs of the above Summary Suit.
- iii. A copy of this Judgment shall be served on the Defendants by Registered Post AD at the addresses shown in the Plaint, by the Advocate for the Plaintiff.
- iv. The office shall return the original documents to the Advocate for the Plaintiff upon the Advocate for the Plaintiff handing over photostat copies of the said documents duly certified by him as true copies.
- v. The Suit is accordingly disposed off.
- vi. Refund of Court Fees, if any, as per Rules.

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