

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 Defendant to pay to the Plaintiff a sum of Rs. 1,58,21,397/- as per the Particulars of Claim, annexed and marked as Exhibit-SS to the Plaint together with interest at the rate of 18% per annum on the principal sum of Rs.98,78,094/- from the date of filing of the Suit till the payment and / or realization.
2. The above Summary Suit is filed to recover a liquidated sum of money, due and payable by the Defendant to the Plaintiff on the basis of a written contract contained in the invoices, annexed and marked as Annexures-B to NN respectively, to the Plaint. The Defendant has also admitted the claim of the Plaintiff in its letter dated 22nd June, 2015, which is annexed and marked as

Exhibit-QQ to the Plaint. The Plaintiff has submitted that the above Summary Suit is in respect of commercial transactions and has claimed interest at the rate of 12% per annum from the due dates of the invoices till the filing of the Suit and at the rate of 18% per annum from the date of filing of the Suit till payment and / or realization.

3. After filing of the Summary Suit, the Plaintiff has sought to serve the Writ of Summons on the Defendant. The packet containing the Writ of Summons forwarded to the Defendant on 5th August, 2016 was received by the Defendant on 17th August, 2016, the proof of which, is produced by the Postal Authority. Since the Defendant has not entered his appearance and not come forward to defend the 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 Defendant. Hence, the following order :

- i. The Defendant is ordered and decreed to pay to the Plaintiff a sum of Rs. 1,58,21,397/- together with 12% interest on the principal sum of Rs. 98,78,094/- from the date of the filing of the above Suit till payment and / or realization.
- ii. The Defendant shall pay to the Plaintiff the costs of the Suit.
- iii. The office shall return the original documents to the Advocate for the

Plaintiffs upon the Advocate for the Plaintiffs handing over photostat copies of the said documents duly certified by him as true copies.

- iv. The above Suit is accordingly disposed off.
- v. Refund of Court fees, if any, as per Rules.

(S.J.KATHAWALLA, J.)