

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGMENT NO. 4 OF 2018
IN
COMM SUMMARY SUIT NO. 808 OF 2017**

Encore Natural Polymers Pvt Ltd	...Plaintiff
<i>Versus</i>	
Anand Rathi Commodities Ltd	...Defendant

Mr Shyam Kapadia, *i/b Dastur Kalambi & Associates, for the Plaintiff.*
Mr Pratik Sakseria, *i/b Shardul Amarchand Mangaldas & Co., for the Defendant.*

CORAM: G.S. PATEL, J
DATED: 14th December 2018

PC:-

1. The present Plaintiff filed Company Petition No. 192 of 2016 against the Defendant company in regard to the same transactions. A conditional order of deposit was made. The Defendant deposited an amount of Rs. 1,45,79,032/- by an instrument dated 22nd November 2018. There is a certificate showing the deposit made. That amount has been invested and I am informed that lies to the credit of this suit.

2. On instructions taken in Court. Mr Kapadia for the Plaintiff does not press for a summary judgment but requests that an accelerated time-frame or schedule be set for filing of written statement, framing of issues and if possible for trial.
3. Mr Sakseria has no objection and can have no objection to this.
4. The Summons for Judgment is disposed of accordingly. The Plaintiff's claim is fully secured.
5. The written statement of the sole Defendant will be filed and served on or before 18th January 2019 with no possibility of an extension. I am making it clear that if the written statement is not filed by that date, the Plaintiff will be immediately entitled to a decree and withdrawal of the amount deposited.
6. Upon the written statement being filed, the suit will be set down for framing issues on 25th January 2019 high on board and further directions will then be issued for filing evidence affidavit and documents.
7. While disposing of the matter at this stage I may note that the suit is filed in the commercial division under the Commercial Courts Act 2015 and that automatically entitles the Plaintiff to priority in disposal and in taking evidence.

(G. S. PATEL, J)