

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

COMMERCIAL SUMMARY SUIT NO. 141 OF 2015

Toucan Agro and Developers Pvt.Ltd. ...Plaintiff
Vs.
Shri A. Panchakshari Reddy ...Defendant

Mr.R.S. Saluja for Plaintiff.

CORAM : S.C. GUPTE, J.

DATE : 18 APRIL 2018

P.C. :

This summary suit seeks a decree in the sum of Rs.21,10,00,000/- comprising of principal amount of Rs.15 crores and rest interest. The writ of summons has been served on the Defendant. There is an affidavit of service indicating that the writ of summons was refused to be accepted. The court thereupon passed an order on 24 January 2017 directing office to issue notice to the Defendant. The Section Officer thereafter filed a report to this court saying that the packet of service sent by the office was returned with a remark which showed that the addressee had refused to accept service. By its order dated 8 February 2017, this court directed the suit to be placed for exparte decree. In the premises, the suit is appearing on board for exparte decree.

2 Since despite service of writ of summons, no appearance is entered by the Defendant, the allegations in the plaint are deemed to be admitted and the Plaintiff is entitled to judgment forthwith. The Plaintiff is entitled to interest at the commercial rate, namely, 18% per annum, in accordance with Section 80 of the Negotiable Instruments Act. The interest

claimed by the Plaintiff is worked out accordingly.

2 The suit is accordingly decreed in terms of prayer clauses (a) and (b). Refund of court fees according to the applicable rules.

(S.C. GUPTE, J.)