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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL SUMMARY SUIT NO.181 OF 2016

Wells Fargo Capital Finance LLC ...Plaintiff
vs
S Kumars Nationwide Limited And Nitin Kasliwal ...Defendants
.....
Mr. Vinduprakash Pandey, for the Plaintiff.

.....
CORAM : S.C. GUPTE, J.

DATED : MARCH 13, 2018

P.C. :

. This commercial suit, filed as a summary suit under Order 37, seeks a decree in the sum of USD 52,00,000/-, together with interest. The claim arises on a promissory note executed by the Defendants. The promissory note is annexed as Exhibit 'C' to the plaint. The promissory note also provides for interest at the rate of 10% per annum. The summons for judgment was duly served on the Defendants on 14 December 2016. There is an affidavit filed by the bailiff (affidavit dated 23 December 2016) in proof of such service. In spite of service, there is no appearance entered by either of the Defendants. The Plaintiff is, accordingly, entitled to a decree under sub-rule (3) of Rule 2 of Order 37. The allegations in the plaint are due to be admitted in default of entering of an appearance and the Plaintiff is entitled to a decree not exceeding the sum mentioned in the summons for judgment. Accordingly there will be a decree in terms of prayer clause (a).

(S.C. GUPTE, J.)