

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2563 OF 2009

WITH

NOTICE OF MOTION NO. 1127 OF 2010

SBI Global Factors Ltd (formerly known as M/s.
Global Trade Finance Ltd)

...Plaintiff

Versus

Willy Agrotech Ltd & Anr

...Defendants

Mr Dhawal Patil, i/b K Ashar & Co, for the Plaintiff.

**Ms Nilofar Sajid Shaikh, Executive Legal, SBI Global Factors Ltd,
*present.***

CORAM: G.S. PATEL, J

DATED: 19th November 2018

PC:-

1. The Suit is for recovery of an amount of Rs. 28,64,62,918.34 as per the particulars of claim Exhibit "MM" to the plaint, and interest thereon, jointly and severally from the two Defendants.

2. The claim is brought on the basis of a Trade Finance Facility sanctioned by the original Plaintiff in favour of the Defendants to the extent of Rs.12.50 crores, in respect of which on 10th September 2007 the 1st Defendant issued various security documents as set out in the Plaint. The sanction letter was periodically amended and revised and fresh documents were issued. According to the Plaintiff,

despite repeated requests and reminders, the account of the Defendants remained delinquent and was not regularised. There was no response to the demand notice issued by the Plaintiff.

3. The Writ of Summons was served on 24th April 2010. The suit was subsequently transferred to the list of undefended Suits. There is now an Evidence Affidavit of Nilofar Sajid Shaikh on behalf of the Plaintiff. She is present in Court and affirms the correctness of the contents of her Evidence Affidavit. She has filed a compilation of 97 documents. The compilation is taken on record and marked in evidence as **Exhibit “P1”**.

4. In view of the absence of the Defendants, and their failure to enter appearance, the Suit is decreed in terms of prayer clause a(i).

5. Decree to be drawn up accordingly.

6. All concerned to act on an authenticated copy of this order.

7. The original documents tendered by the Plaintiff will be returned upon these being substituted with photocopies duly authenticated by the Advocates for the Plaintiff.

8. In view of this, the Notice of Motion No. 1127 of 2010 does not survive, and is disposed of accordingly.

(G. S. PATEL, J)