

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

SUMMONS FOR JUDGEMENT NO.355 OF 2011

IN

**COMMERCIAL SUIT NO.9 OF 2011
(SUMMARY SUIT NO.2086 OF 2011)**

Wockhardt Limited	...	Plaintiff
Versus		
T.A.I. Pharma Limited	...	Defendant

.....

Mr. Rohaan Cama a/w T.N. Tripathi I/b T.N. Tripathi & Co. for the Plaintiff.

Mr. Amit Potnis I/b Tamhane & Co. for the Defendant.

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CORAM : S.C.GUPTE, J.

DATE : 31 JANUARY 2018

P.C. :

. On the last occasion, i.e. 16 January 2018, this Court noted that the summons for judgment had been pending for a long time. After discussing the circumstances in which the summons remained pending, this Court also noted that despite two opportunities granted to the Defendant to file its reply to the summons for judgment, on both occasions on payment of costs, no affidavit-in-reply was filed by the Defendant, though costs were paid on both occasions. This Court noted that it was apparent from the narration in that order that the Defendant had miserably failed to show cause to the summons for judgment. No decree was passed on that date, however, since the Advocates of the Defendant were taking discharge and the Defendant was not present in Court on that date. The summons for judgment was, accordingly, stood over on today's date. The Defendant was

put to notice that in case the Defendant does not appear or show cause on the next date, the Plaintiff would be entitled to judgment forthwith.

2 Learned Counsel for the Defendant informs the Court that the order passed on 16 January 2018 was communicated by the Defendant's Advocates to the Defendant. Despite such notice, there is no effective appearance on the part of the Defendant to show cause to the summons for judgment. Accordingly, there will be a decree under Clause (6) of Rule 3 of Order 37 of the Code of Civil Procedure, 1908, in favour of the Plaintiff.

3 The Suit is, accordingly, decreed in terms of prayer clause -(a).

4 Refund of Court fees, if any, in accordance with the applicable rules.

(S.C. GUPTE, J.)