

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
SUMMARY SUIT NO. 59 OF 2012**

The State Trading Corporation of India Ltd ...Plaintiff
Versus
Shalimar Rexine India Ltd & Ors ...Defendants

Ms SI Shah, i/b SI Shah & Co., for the Plaintiff.

**CORAM: G.S. PATEL, J
DATED: 5th December 2018**

PC:-

1. The Plaintiff is the State Trading Corporation of India Limited. It has already obtained a decree against Defendant No. 1. It seeks now a disposal of the suit by way of a decree on the basis that the suit is undefended by Defendants Nos. 2 and 3.

2. The suit itself was filed as a summary suit under Order XXXVII Rule 2 of the Code of Civil Procedure 1908. Defendants Nos. 2 and 3 were granted unconditional leave to defend by the order dated 16th February 2015 of SC Gupte J. Defendants Nos. 2 and 3 never filed a Written Statement and, hence, this application for a decree against them.

3. On 20th July 2018, KR Shriram J decreed the suit as against Defendant No. 1. For the reasons set out in that order and what is stated in the Plaint, and since there is no opposition to the suit by Defendants Nos. 2 and 3 to whom unconditional leave was granted, the suit is decreed jointly and severally as against Defendants Nos. 2 and 3 with costs quantified at Rs. 50,000/-.

4. Drawn up decree is expedited.

5. The original documents filed by the Plaintiff will be returned to them in accordance with Rule 306 of the Bombay High Court (Original Side) Rules and upon these being substituted with a compilation of authenticated photocopies.

(G. S. PATEL, J)