

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

COMMERCIAL SUIT NO.53 OF 2012

Ganpatraj Kumbhraj Sanghvi	...	Plaintiff
Versus		
Vishal Udyog And Others	...	Defendants

.....

Mr. Prasad L. Gajbhiye for the Plaintiff.
Ms. Eram Quraishi I/b M/s Kartikeya & Associates for the Defendants.

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CORAM : S.C.GUPTE, J.

DATE : 5 APRIL 2018

P.C.:

. By an order dated 3 July 2017, passed on the Summons for Judgment taken out in this Commercial Suit, the Defendants were granted leave to defendant on and subject to the condition of deposit of a sum of Rs.1,50,66,404/- within eight weeks. Learned Counsel for the Defendants has communicated on the last date, i.e. 19 March 2018, that the Defendants have been unable to deposit this amount. The matter was, accordingly, posted for *ex parte* decree today. Since the Defendants have failed to deposit the amount, the Plaintiff is entitled to judgment forthwith under clause -(b) of Sub-rule (6) of Rule 3 of Order 37 of the Code of Civil Procedure, 1908. The Suit is, accordingly, decreed for the principal amount of Rs.1,50,66,404/- with *pre* suit interest at the rate of 18 per cent per annum. The same rate of interest shall be applied *pendente lite* and

post decree. The Plaintiff will also be entitled to costs of the Suit.

(S.C. GUPTE, J.)