

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

COMMERCIAL SUIT NO.138 OF 2015

Neu World Resources	...	Plaintiff
Versus		
Mahesh S. Parekh	...	Defendant

.....

Mr. Ranbir Singh a/w Ms. Kripa Jethva I/b Mr. Manish Upadhye for the Plaintiff.
None for the Defendant.

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CORAM : S.C.GUPTE, J.

DATE : 5 APRIL 2018

P.C. :

. By an order dated 19 June 2017, passed on a Summons for Judgement in the Commercial Suit, the Defendant was granted leave to defend the Suit upon condition of depositing into this Court a sum of Rs.7.10 crores within twelve weeks. The condition has not been complied with by the Defendant. Learned Counsel for the Plaintiff tenders a certificate of non-deposit issued by Prothonotary and Senior Master of this Court. The certificate is taken on record. The Plaintiff is entitled to a decree under Sub-rule (6) of Rule 3 of Order 37 of Code of Civil Procedure, 1908. The Suit is decreed accordingly under the terms of clauses -(a) and (b).

2 The Plaintiff shall also be entitled to *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 under Section 80 of the Negotiable Instruments Act.

(S.C. GUPTE, J.)