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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUMMONS FOR JUDGMENT NO. 113 OF 2018
IN
SUMMARY SUIT NO. 184 OF 2015**

SICOM Limited	...Plaintiff
<i>Versus</i>	
Baroda Extrusion Limited & Ors	...Defendants

Mr Sunil M Kadam, *for the Plaintiff.*
Mr Prerak P Choudhary, *for Defendants Nos. 1 to 3, 4, 6.*

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

PC:-

1. The Affidavit in Reply is taken on record and the delay is condoned in the exceptional circumstances of the case. The Summary Suit is purportedly filed for a recovery of amounts said to be due under dishonoured cheques listed *inter alia* in tabulation below paragraph 11 of the Plaint. There are some 86 cheques. The Defendants point out that the claim under these cheques is part of a larger claim by this very Plaintiff against the 1st Defendant. The Plaintiff has filed independent proceedings before the Debt Recovery Tribunal in Mumbai for the larger claim, which includes the present claim on the basis of these 86 cheques.

2. That application before the Debts Recovery Tribunal, OA No. 166 of 2014, is being contested and opposed by the 1st Defendant and others. Obviously that opposition would cover the claim made in respect of these 86 cheques as well. I do not think that it is possible in these circumstances to allow the Plaintiff to proceed in this fashion where fragments of one claim are made in one forum invoking a wholly distinct jurisdiction. In any case, the defence taken by the Defendants before the Debt Recovery Tribunal will have to be considered fully even in the present case. Hence, unconditional leave to defend.

3. The Summons for Judgment is dismissed.

4. Written Statements to be filed and served on or before 1st February 2019. Suit to be listed for framing issues on 15th February 2019.

(G. S. PATEL, J)