

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

COMMERCIAL SUMMARY SUIT NO. 752 OF 2019

Jitendra Rampariya	...Plaintiff
and	
Janardhan Hanumanth Bhalekar, Sole proprietor of Janprabha Enterprises	...Defendant

Mr. Atul Redkar for Plaintiff.

CORAM : S.C. GUPTE, J.

DATE : 24 MARCH 2021

P.C. :

This commercial summary suit is for a money decree in the sum of Rs.9.24 crores as per particulars of claim at Exhibit J to the plaint with pendente lite and post decretal interest at the rate of 18% p.a. The suit has been filed as a summary suit on the basis of a written agreement between the parties as also on the basis of dishonoured cheques. According to the Plaintiff, as per the written agreement, the Defendant has admitted his liability in the sum of Rs.6 crores to the Plaintiff. The Defendant issued in all seven cheques aggregating to a sum of Rs.6 crores towards repayment. All seven cheques were dishonoured and as a result, the Plaintiff is entitled to claim the principal amount of Rs.6 crores together with pendente lite and post decretal interest at the rate of 18% p.a., the transaction between the parties being a commercial transaction. The writ of summons was duly served on the Defendant as acknowledged by this court in its order dated 24 February 2021. Despite service of writ of summons, the Defendant has not entered appearance and the matter is, accordingly, listed for exparte decree.

2 The Plaintiff has filed a compilation of documents, including written agreement between the parties and seven cheques, which were dishonoured, along with the concerned bank memos as well as receipts of the aggregate amount paid by the Plaintiff and also correspondence between the parties, including a legal notice. The Plaintiff has filed his affidavit of evidence in proof of these documents and his claim in the suit.

3 Having regard to the deposition of the Plaintiff in his affidavit of evidence dated 24 March 2021, which is taken on record as examination in chief of the Plaintiff, the original documents produced in the compilation at Serial Nos.1 to 9 are respectively marked as **Exhibits P-1 to P-9** (Exhibits P-6 and P-9 being marked collectively). Based on the documentary and oral evidence tendered by the Plaintiff, his claim in the suit stands proved. The Plaintiff is, accordingly, entitled to the money decree prayed for in the suit.

4 There will, accordingly, be a decree in the sum of Rs.6 crores together with pendente lite and post decretal interest at the rate of 18% p.a. from the date of filing of the suit till payment or realisation of the decretal amount.

5 The Plaintiff shall be entitled to substitute the originals of documents tendered in his compilation with certified true copies of the documents. Against verification of such true copies, the Plaintiff shall be entitled to return of the originals. Office to act accordingly.

(S.C. GUPTE, J.)