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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
SUMMONS FOR JUDGMENT NO. 15 OF 2024

IN

COMMERCIAL SUMMARY SUIT NO. 68 OF 2023

Sterling and Wilson Renewable Energy Limited ... Plaintiff

Versus

Axis Bank Limited ... Defendant

.....

Mr. Sharan Jagtiani, Senior Advocate alongwith Ms. Shraddha Achliya, Mr. Sunil Gangan, Mr. S.M. Seegarla and Mr. Siddharth Shibu instructed by RMG Law Associates, Advocate for the Plaintiff.

Mr. Shiraz Rustomjee, Senior Advocate alongwith Mr. Shyam Kapadia, Ms. Sonali Aggarwal and Ms. Tanjul Sharma instructed by Dhruve Liladhar and Co., Advocate for the Defendant.

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CORAM : ABHAY AHUJA, J.

DATE : 24 SEPTEMBER 2025

P.C. :

1. Today when the matter is called out, Mr. Rustomjee, learned Senior Counsel, appears for the Defendant-Bank and submits that this Court may permit filing of an additional affidavit-in-reply relating to the locus of the Plaintiff and maintainability to file the Suit as a Summary Suit.

2. Mr. Jagtiani, learned Senior Counsel, appearing for the Plaintiff draws this Court's attention to paragraph 24 of the plaint and submits that in view of non-payment by the Defendant, the ICICI Bank had called the Plaintiff to return the amount and that the amount was returned and therefore, the question of locus of the Plaintiff on the ground of discounting would not arise. Mr. Jagtiani also draws this Court's attention to paragraph 42 of the plaint and submits that this suit has been filed as a summary suit under the provisions of Order XXXVII Rule 2 of the Code of Civil Procedure, 1908 for recovery of debt of ascertained sum of money under the letters of credit and therefore, the suit is maintainable as a summary suit.

3. Be that as it may, since a request is being made by the learned Senior Counsel for the Defendant to file an additional affidavit, let the said additional Affidavit in reply relating to the locus of the Plaintiff and maintainability be filed within a period of two weeks, with copy to the other side. Rejoinder be filed within a period of two weeks thereafter, with copy to the other side.

4. List on **27th November 2025 at 4.00 p.m.**

(ABHAY AHUJA, J.)