

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.3602 OF 2006

Bharat V. Jain ..Plaintiff.
Vs.
Heena Kalbag & Ors. ..Defendants.

....
Mr. Ramesh Jain for the Plaintiff.
Mr. Satyen Vora i/b M/s. Markand Gandhi & Co. for Defendant No.3.
....

CORAM: DR. D.Y. CHANDRACHUD, J.23rd April, 2007.P.C. :

1. On 21st September, 2005 the First Defendant drew a Bill of Exchange in the amount of Rs.1.50 lacs payable on demand for valuable consideration which was accepted by the Second and Third Defendants. Upon presentation on 22nd October, 2005 the Bill of Exchange was not honoured. An advocate's notice was addressed on 10th June, 2006 to which there was no reply.

2. The Third Defendant has entered appearance after service of the writ of summons. The First and Second Defendants have failed

to enter appearance despite service of the writ of summons. A compilation of the original documents has been tendered on the record. The claim in the suit stands established as against the First and Second Defendants. Even otherwise, having regard to the provisions of Order 37 of the Code of Civil Procedure, 1908, the Plaintiff would be entitled to a decree as prayed as against the First and Second Defendants. The Suit shall accordingly stand decreed as prayed against the First and Second Defendants. The Plaintiff would be entitled to interest at the rate of 18% per annum on the principal sum of Rs.1,50,000/- from the date of the suit until payment or realization.