



Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
SUMMONS FOR JUDGMENT NO. 7 OF 2018
IN
COMM SUMMARY SUIT NO. 180 OF 2017

Augment Enterprises Pvt Ltd ...Plaintiff
Versus
Eskaybee International Pvt Ltd & Ors ...Defendants

WITH
NOTICE OF MOTION NO. 214 OF 2018
IN
COMM SUMMARY SUIT NO. 180 OF 2017
WITH
NOTICE OF MOTION NO. 1006 OF 2018
IN
COMM SUMMARY SUIT NO. 180 OF 2017
WITH
NOTICE OF MOTION NO. 1166 OF 2018
IN
COMM SUMMARY SUIT NO. 180 OF 2017

**Mr Shyam Mehta, Senior Advocate, with Ms Neeta Solanki and
Ms Neha M, i/b Kiran Jain & Company, for the Plaintiff.**
Mr Ruben A Fernandes, for Defendant No.3.

CORAM: G.S. PATEL, J
DATED: 9th January 2019

PC:-

1. I allowed the Summons for Judgment against the 1st Defendant yesterday and decreed the suit against the 1st Defendant. The 4th Defendant, though served, has not entered appearance and the Plaintiff is thus entitled to a Judgment and Decree against the 4th Defendant, the suit being undefended by that Defendant.

2. I noted in the order on Summons for Judgment that Mr Mehta had restricted his claim to an amount of Rs.19,22,05,837.25. There was also a decree without interest of costs in the amount of Rs.18 lakhs. In view of those facts as set out in the order on the Summons for Judgment, there will now also be a decree in exactly the same terms against the 4th Defendant.

3. Both decrees may be executed together jointly and severally against Defendants Nos. 1 to 4.

**COMM NOTICE OF MOTION NO. 214 OF 2018 IN COMM
SUMMARY SUIT NO. 180 OF 2017**

4. Commercial Notice of Motion No. 214 of 2018 is thus infructuous and is disposed of as such.

**COMM NOTICE OF MOTION NO. 1006 OF 2018 IN COMM
SUMMARY SUIT NO. 180 OF 2017**

5. After some arguments Learned Advocate for the 3rd Defendant withdraw the Notice of Motion. Notice of Motion is dismissed as withdrawn. All contentions are left open.

COMM SUMMARY SUIT NO. 180 OF 2017

6. By consent the suit is taken up for directions as against Defendants Nos. 2 and 3 to whom unconditional leave has been granted. They required to file their Written Statement on or before 11th March 2019.

7. List the suit for framing issues and further directions on 18th March 2019.

(G. S. PATEL, J)