

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
SUMMONS FOR JUDGMENT NO. 213 OF 2003  
IN  
SUMMARY SUIT NO. 18 OF 2003

M/s. Super Tex Industries ..Plaintiffs

versus

M/s. Sahkari Katai Mills Ltd. ..Defendants

Ms. Neeta Solanki i/b. M/s. Kiran Jain & Co.

for the Plaintiffs.

None for the Defendants.

CORAM : D. G. DESHPANDE, J.

DATE : 30TH SEPTEMBER, 2004.

P.C. :

. Heard counsel for the Plaintiffs. Nobody is present for the Defendants, though the name of the Defendants Advocate appears on the board. Reply and rejoinder are complete. Claim of the plaintiffs comprised of the goods sold and delivered worth about Rs.60,000/= or so. Two defences have been raised by the defendants in their reply. Firstly, that this court has no jurisdiction, to which counsel for the Plaintiffs contended that they had already obtained leave of the court. Secondly

according to the Defendants though there is an arbitration clause, the suit is simplicitor for recovery of the amount, therefore that clause is of no help to the defendants. No reply is filed to the demand notice. Therefore summons for judgment is made absolute as prayed with future interest at the rate of 12% per annum from the date of the suit till realisation and costs of the suit. Refund of court fees, as per the Rules. Summons for Judgment and suit both stands disposed of. Certified copy expedited.

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