

(2001) 02 DEL CK 0056
In the Delhi High Court
Case No : Suit No. 2092 of 2000

M/s Narsingh Dass and Co. Pvt. Ltd.

APPELLANT

Vs

M/s Arun and Rajiv Pvt. Ltd.

RESPONDENT

Date of Decision : 08-02-2001

Acts Referred:

Citation : (2001) 3 AD 694

Hon'ble Judges : Jiwan Dass Kapoor, J

Bench : Single Bench

Advocate : Ms. Pooja Jain, for the Appellant; Mr. S.N. Pandey, for the Respondent

Judgement

J.D. Kapoor, J.—Counsel for the defendant states that inspire of contacting the defendant he has not received any instructions and he may be discharged from the case. The request is allowed.

2. This is a suit for recovery filed under Order 37 of CPC Summons of the suit were issued in Form No.4 in Appendix B. The summons were duly served upon defendant on 31.10.2000 and defendant entered into appearance on 23.1.2001. Defendant was required to enter into an appearance within ten days of the service of the summons.

3. Rule 3 requires defendant to enter an appearance either in person or by pleader within ten days of service of the summons of the suit. It further provides that in case the defendant can not defend the suit unless he enters an appearance and in default of his entering an appearance the allegations in the plaint shall be deemed to be admitted and the plaintiff shall be entitled to a decree for any sum, not exceeding the sum mentioned in the summons, together with the interest at the rate specified, if any, up to the date of the decree and such sum shall be determined by the High Court from time to time by rules made in that behalf and such decree may be executed forthwith.

4. In view of the aforesaid provisions the suit is decreed for Rs.7,79,518/- Along with interest a 24 per cent per annum both pendente lite and further interest till

the date of realisation as also with cost of the proceedings

5. Suit stands disposed of.