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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 14.05.2015

+ **CS(OS) 2774/2011**

M/S VRS FOODS LTD

..... Plaintiff

Through: Mr. J.S. Bakshi with Mr. A.S. Bakshi,
Mr. Ankush Sharma & Mr. Chaitanya
Jain, Advs.

versus

M/S SUBHIKSHA TRADING SERVICES LTD B+

.....Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Open Court)

1. This is a suit for recovery of Rs.44,15,180/-. The defendant failed to appear despite service through publication. Accordingly, it was proceeded *ex parte* on 27.01.2014. Thereafter, the plaintiff led *ex parte* evidence.
2. The plaintiff is a company engaged in the business of processing milk products which are marketed under the brand name of 'Paras'. It is claimed that the plaintiff was selling its products to the defendant on a running account basis; that according to the books of accounts, balance amount of Rs.28,67,000/- remains outstanding against the defendant as on 7th November, 2008; that requests to the defendant to pay up the amount have yielded no result.

3. This suit claims the principal amount along with 18% interest thereon with effect from 7th November, 2008, i.e., Rs.28,67,000/- (principal amount) + Rs.15,45,180/- (interest @ 18% per annum w.e.f. 7.11.2008) which amounts to Rs.44,15,180/-.
4. The plaintiff has led the evidence of Mr. S.K.Saini, the authorized signatory of the plaintiff supporting the averments in the plaint. Purchase order and invoices have been marked as Ex.PW1/3 and Ex.PW1/4 respectively. The plaintiff's statement of account has been marked as Ex. PW1/5. The legal notice sent by the plaintiff along with postal receipts have been marked as Ex. PW1/6 and Ex. PW1/7 respectively.
5. An amount of Rs.28,67,000/- is shown as outstanding against the defendant hence the latter are liable to pay the amount to the plaintiff. The plaintiff's case, supported by evidence and documents, has not been rebutted. The Court finds no reason why the suit should not be decreed in favour of the plaintiff. Therefore, the suit is decreed in terms of prayer A of the plaint. The plaintiff shall also be entitled to costs which has been assessed at Rs.50,000/-. Let the decree sheet be prepared accordingly.
6. The suit is disposed off in the above terms.

NAJMI WAZIRI, J

MAY 14, 2015/ak