

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR. **JUSTICE M.M. SUNDRESH**

C.S.No.362 of 2014

Funskool India Ltd.,
Tarapore Towers, 826, Anna Salai,
Chennai-600 002.
Represented by its General Manager-Finance
Mr.N.Ramesh ... Plaintiff

Vs.

Mr.S.Srikanth,
Sole Proprietor,
M/s SAP Marketing,
No.21(New No.33), 8th Cross,
Cubbonpet, Bangalore-560 002. ... Defendant

Civil Suit is filed under Order IV Rule 1 of the
Original Side Rules read with Order VII Rule 1 C.P.C., to
pass an order/decreed/judgment directing the defendant to
pay sum of Rs.24,46,299/- along with interest as per the
terms of the invoice of Rs.7,02,175/- totalling
Rs.31,48,474/- (Rupees thirty one lakhs forty eight
thousand four hundred and seventy four) to the plaintiff;
directing the defendant to pay a sum of Rs.50,000/- towards
cost of legal notice dated 21.10.2013 and for costs.

For plaintiff : Mr.Mr.H.S.Herdia for
Mr.M.V.Swaroop

JUDGMENT

The suit is filed for recovery of a sum of Rs.24,46,299/-. The plaintiff is the manufacturer of toys and games. In pursuant to the business transaction concluded between the plaintiff and the defendant, goods were supplied by the plaintiff for a sum of Rs.24,46,499/- to the defendant as evidenced by Exs.P1 to P4. Despite the supply made, the corresponding money was not forthcoming and therefore, the plaintiff has come forward to file a present suit after issuance of legal notice, which was returned as "refused".

2. The defendant was set ex-parte on 07.10.2016. Thereafter, the plaintiff examined himself as P.W.1 and marked the documents Exs.P1 to P4.

3. On a perusal of the documents filed including the invoices raised by the plaintiff coupled with the fact that the legal notice dated 21.10.2013 sent by the plaintiff was returned as "refused", which is deemed to be a proper service, this Court is satisfied that the suit has to be

decreed as prayed for. Accordingly, the suit stands
decreed as prayed for. No costs.

Sd/ M.M.S.J

09.11.2016

//Certified to be a true copy//

Dated this the day of 2017

R.s/13.02.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of
the Order/Judgment Decree in this format.



WEB COPY