

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM

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

C.S.No.204 of 2015  
and  
A.No.2013 of 2015

Vishal Kumar Sethia rep. By his  
POA Vikas Sethia,  
Proprietor, M/s.Sethia Infotech,  
No.2/6, Nrasingapuram Street,  
Mount Road, Chennai – 2.

... Plaintiff

Vs

M/s.CCS Infotech Limited rep. by  
its Managing Director  
having its registered office at  
CCS Tower, 14, Periyar Road,  
T.Nagar, Chennai – 17.

... Defendant

Plaint filed under Order Order IV Rule 1 of the Original Side  
Rules r/w Order VII Rule 1 C.P.C. .

For Plaintiff : Mr.Praveen Sethia  
for M/s.K.G.Vasudevan

For Defendant : set exparte

## **JUDGMENT**

The suit has been laid for the following reliefs:

*(i)to direct the defendant to pay a sum of Rs.47,12,700/- claimed by the plaintiff in the following manner:*

*(a)Rs.26,14,250/- being the principal amount due and payable by the defendant towards supply of goods to the defendant company on running credit basis;*

*(b)Rs.20,98,450/- being the interest at the rate of 24% p.a., on Rs.26,14,250/- from 16.12.2011 to till 16.01.2015;*

*(ii)to direct the defendant to pay further interest on Rs.26,14,250/- from the date of plaint till the date of recovery of the amount due at the rate of 24% p.a. On the amount due;*

*(iii)to pay the cost of the suit;*

2.Learned counsel appearing for the plaintiff submits that the amount as claimed is liable to be paid by the defendant as per Exs.P2 to P4, which are the invoices, pursuant to the supply of goods.

Thereafter, legal notice - Ex.P6 was issued. Exs.P7 and P8 are the reply notices and rejoinder notices issued. Therefore, in view of the same, the learned counsel submits that the suit will have to be decreed.

3.The defendant was set exparte by order dated 07.03.2016. The said position continues as of now. Accordingly, considering the pleadings and the evidence of the plaintiff as P.W.1 and after consideration of Exs.P1 to P5, this Court is of the view that the suit is liable to be decreed. Accordingly, the suit stands decreed. No costs. Consequently, connected application is closed.

**08.11.2016**

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**Exhibits marked on the side of the Plaintiff:**

Ex.P1 - Photocopy of the General Power of Attorney Deed in favour of P.W.1 registered as Doc.No.35 of 2013 on the file of SRO, Sowcarpet.

Ex.P2 - Photocopy of the invoice dated 16.12.2011 bearing Invoice

No.1012.

Ex.P3 – Photocopy of the invoice dated 22.11.2011 bearing Invoice No.1012.

Ex.P4 – Photocopy of the Invoice dated 03.01.2012 bearing Invoice No.1340.

Ex.P5 – Photocopy of the statement of accounts

Ex.P6 – Photocopy of the legal notice issued to the defendant with acknowledgment card dated 02.08.2014.

Ex.P7 – Photocopy of the reply notice dated 28.08.2014.

Ex.P8 – Photocopy of the rejoinder dated 06.09.2014

Ex.P9 – Photocopy of the returned cover dated 12.09.2014.

To

The Sub Assistant Registrar,  
Original Side, High Court, Madras.

**M.M.SUNDRESH,J**

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**C.S.No.204 of 2015**

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