

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

CS.No.364/2015

B.M.Sanitations [Private] Limited

rep.by its Managing Director

Mr.B.Murali

Flat B-2, Thiruvallurvar Kudil

No.2, Brindavan Street,

West Mambalam, Chennai 600033.

..

Plaintiff

Versus

M/s.East Coast Constructions and Industries Ltd

represented by its Managing Director

No.4, Moors Road, Chennai 600 006.

..

Defendant

Civil Suit filed under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 and 2 CPC.

For Plaintiff : Mr.M.Kosala Raman

For Defendant : No appearance

JUDGMENT

The suit has been laid for recovery of a sum of Rs.44,15,751/- along with interest.

2 The plaintiff is a Sub-Contractor of the defendant. The plaintiff is dealing with sanitation and plumbing work. The defendant has issued a Work Order / Service Order dated 23.12.2009 under Ex.P.2. This was followed by the original Letter dated 14.06.2011 under Ex.P.3. As the plaintiff has concluded his part to the contract, payment has been sought for from the defendant, who has received his payment from the Government. As the said amount was not forthcoming, the plaintiff issued two Legal Notices dated 21.12.2013 and 23.01.2014 respectively under Exs.P.11 and 13. These notices have been acknowledged. One more Legal Notice dated 10.12.2014 was issued under Ex.P.15. Thus, after exhausting the procedure, the present suit has been laid.

3 Despite notice having been served, the defendant did not come forward to file any written statement. Accordingly, he was set ex-parte on 07.12.2015. Even today, there is no representation, though the name of the defendant is printed in the Cause List.

4 On behalf of the plaintiff, the Managing Director has been examined as P.W.1. Exs.P.1 to 17 have been marked.

5 Considering the above said documents and in the light of the averments made in the plaint, which are not controverted, this Court is of the view that the suit is liable to be decreed, in particular, when the defendant has not chosen to contest the same.

6 Accordingly, the suit is decreed as prayed for.

01.12.2016

AP

Plaintiffs' side Exhibits:-

1	Ex.P.1	18.12.2014	Board Resolution
2	Ex.P.2	23.12.2009	Work Order/Service Order issued by the defendant.
3	Ex.P.3	14.06.2011	Letter sent by the defendant to the plaintiff.
4	Ex.P.4		Minutes of Meeting between the plaintiff and the defendant
5	Ex.P.5	30.06.2011	Final Bill/Abstract raised by the plaintiff to the defendant
6	Ex.P.6	29.07.2011	Letter by the defendant to the plaintiff
7	Ex.P.7	07.12.2011	Letter sent by the plaintiff to the defendant with acknowledgment [original]
8	Ex.P.8	24.12.2011	Letter sent by the defendant to the plaintiff
9	Ex.P. 9	07.12.2011	Reply sent by the plaintiff to the defendant
10	Ex.P.10	29.12.2011	Courier Receipt of reply letter dated 07.12.2011

11	Ex.P.11	21.12.2013	Legal notice issued by the plaintiff's Lawyer to defendant
12	Ex.P.12	30.12.2013	Acknowledgment Card
13	Ex.P.13	23.01.2014	Reminder notice sent by the plaintiff's lawyer to the defendant
14	Ex.P.14	05.02.2014	Acknowledgment Card
15	Ex.P.15	10.12.2014	Legal notice issued by the plaintiff's lawyer to the defendant
16	Ex.P.16	15.12.2014	Acknowledgment Card
17	Ex.P.17	22.12.2014	Statement of Accounts.

Plaintiff's side witness:-

P.W.1 Mr.B.Murali

Defendant's side Exhibits:-

Nil

Defendant's side witness:-

Nil

Index : Yes / No

Internet : Yes / No

AP

M.M.SUNDRESH, J.,
AP

CS.No.364/2015

01.12.2016

<http://www.judis.nic.in>