

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13/02/2017

CORAM

THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**

C.S.No.142 of 2016

M/s.Muller + Partner GmbH,
having its Registered Office at:
Robert-Bosh-Breite 11, 37079 Gottingen,
Germany,
Represented by its Power of Attorney Holder,
Shri.Bijish B.Tom,
Residing at Kolathal House,
Mulanthuruthy P.O. Ernakulam District,
Kerala, India, Pin-682 314. Plaintiff

Vs

M/s.Ace Express Logistics Pvt. Ltd.,
No.37, Trunk Bund Road, Nungambakkam,
Chennai-600 034.
and presently carrying on business at
No.13, South Dhandapani Street,
Block IA, Green Palace Apartments,
T.Nagar, Chennai-600 017. ... Defendant

The Civil Suit is filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of H.C.O.S. Rules, (a) to direct the defendant to pay an amount of Rs.26,52,314.71 (i.e., Rupees Twenty Six Lakhs Fifty Two Thousand Three Hundred and Fourteen and Seventy One Paise only) with 12% interest per annum to the plaintiff from the date of filing of the suit till realization. (b) award costs of the suit.

For Plaintiff : M/s.Joy Thattil Ittoop

For Defendant : Set ex-parte

J U D G M E N T

The brief facts of the case are as follows:-

The plaintiff has filed this suit for recovery of money. The plaintiff is engaged in the business of providing logistics services, freight forwarding services including arranging air shipments and shipments by sea between places. The defendant as freight forwarder had engaged the service of the plaintiff for doing various air shipments between the airports in India and Germany from 2009 onwards and the plaintiff had done the shipments as per the direction of the defendant. Since there was transaction effected between the plaintiff and defendant to the tune of Rs.26,52,314.71/- is pending, this suit has been filed by the plaintiff.

2. The learned counsel for the plaintiff would submit that the plaintiff examined himself as P.W.1 and marked the following documents as Exs.P1 to P55 as documentary evidence in order to prove the suit claim:-

1) Ex.P1 is the copy of the Power of Attorney dated 30.07.2015.

2) Ex.P2 is the computer generated copy of the invoice No.1122998, dated 11.04.2012 for Eur.409.60.

3) Ex.P3 is the computer generated copy of the invoice No.1123125, dated 16.04.2012 for Eur.169.90.

4) Ex.P4 is the computer generated copy of the invoice No.1123126, dated 16.04.2012 for Eur.3.41.

5) Ex.P5 is the computer generated copy of the invoice No.1123127, dated 16.04.2012 for Eur.40.00

6) Ex.P6 is the computer generated copy of the invoice No.1123232, dated 23.04.2012 for Eur.2585.81.

7) Ex.P7 is the computer generated copy of the invoice No.1123233, dated 23.04.2012, for Eur.424.21.

8) Ex.P8 is the computer generated copy of the invoice No.1123279, dated 24.02.2012, for Eur.404.25.

9) Ex.P9 is the computer generated copy of the invoice No.1123369, dated 26.04.2012 for Eu.1525.70.

10) Ex.P10 is the computer generated copy of the invoice No.1123391, dated 27.04.2012 for Eur.540.80.

11) Ex.P11 is the computer generated copy of the invoice No.1123392, dated 27.04.2012 for Eur.1723.30.

12) Ex.P12 is the computer generated copy of the invoice No.1123530, dated 07.05.2012 for Eur.2009.60.

13) Ex.P13 is the computer generated copy of the invoice No.1123553, dated 08.05.2012 for Eur.691.50.

14) Ex.P14 is the computer generated copy of the invoice No.1123563, dated 09.05.2012 for Eur.946.13.

15) Ex.P15 is the computer generated copy of the invoice No.1123630, dated 16.05.2012 for Eur.528.20.

16) Ex.P16 is the computer generated copy of the invoice No.1123644, dated 18.05.2012 for Eur.4793.60.

17) Ex.P17 is the computer generated copy of the invoice No.1123645, dated 18.05.2012 for Eur.517.75.

18) Ex.P18 is the computer generated copy of the invoice No.1123737, dated 25.05.2012 for Eur.682.80.

19) Ex.P19 is the computer generated copy of the invoice No.1123738, dated 25.05.2012 for Eur.24.00.

20) Ex.P20 is the computer generated copy of the invoice No.1123795, dated 05.06.2012 for Eur.1207.45.

21) Ex.P21 is the computer generated copy of the invoice No.1123796, dated 05.06.2012 for Eur.7.75.

22) Ex.P22 is the computer generated copy of the invoice No.1123926, dated 12.06.2012 for Eur.7636.09.

23) Ex.23 is the computer generated copy of the invoice No.1243142, dated 12.06.2012 for Eur.67.80.

24) Ex.24 is the computer generated copy of the invoice No.1124052, dated 15.06.2012 for Eur.282.05.

25) Ex.P25 is the computer generated copy of the invoice No.1124063, dated 18.06.2012 for Eur.1030.99.

26) Ex.P26 is the computer generated copy of the invoice No.1124211, dated 25.06.2012 for Eur.9262.50.

27) Ex.P27 is the computer generated copy of the invoice No.1124212, dated 25.06.2012 for Eur.765.77.

28) Ex.P28 is the computer generated copy of the invoice No.1124213, dated 25.06.2012 for Eur.206.50.

29) Ex.P29 is the computer generated copy of the invoice No.1124332, dated 29.06.2012 for Eur.95.15.

30) Ex.P30 is the computer generated copy of the invoice No.1124370, dated 03.07.2012 for Eur.216.90.

31) Ex.P1 is the computer generated copy of the invoice No.1124372, dated 03.07.2012 for Eur.104.70.

32) Ex.P2 is the computer generated copy of the invoice No.1124373, dated 03.07.2012 for Eur.63.80.

33) Ex.P33 is the computer generated copy of the invoice No.1124529, dated 09.07.2012 for Eur.2098.15.

34) Ex.34 is the computer generated copy of the invoice No.1124530, dated 09.07.2012 for Eur.7.46.

35) Ex.P35 is the computer generated copy of the invoice No.1124535, dated 09.07.2012 for Eur.453.85.

36) Ex.P36 is the computer generated copy of the invoice No.1124627, dated 16.07.2012 for Eur.227.63.

37) Ex.P37 is the computer generated copy of the invoice No.1124628, dated 16.07.2012 for Eur.1036.75.

38) Ex.P8 is the computer generated copy of the invoice No.1124629, dated 16.07.2012 for Eur.13.94.

39) Ex.P39 is the computer generated copy of the invoice No.1124694, dated 23.07.2012 for Eur.535.81.

40) Ex.P40 is the computer generated copy of the invoice No.1124695, dated 23.07.2012 for Eur.63.00.

41) Ex.P41 is the computer generated copy of the invoice No.1124696, dated 23.07.2012 for Eur.28.00.

42) Ex.P42 is the computer generated copy of the invoice No.1124697, dated 23.07.2012 for Eur.1759.40.

43) Ex.P43 is the computer generated copy of the invoice No.1124911, dated 30.07.2012 for Eur.313.80.

44) Ex.P44 is the computer generated copy of the invoice No.1124912, dated 30.07.2012 for Eur.3.71.

45) Ex.P45 is the computer generated copy of the invoice No.1474744, dated 01.08.2012 for Eur.346.06.

46) Ex.P46 is the computer generated copy of the invoice No.1475900, dated 21.08.2012 for Eur.369.80.

47) Ex.P47 is the computer generated copy of the Debit Note No.AEL/MUM/AI/DN/002/11-12, dated 21.02.2012 for Eur.989.00.

48) Ex.P48 is the computer generated copy of the Debit Note No.AEL/MUM/AE/DN/005/11-12, dated 22.03.2012 for USD 918.00 (Eur.693.22).

49) Ex.P49 is the computer generated copy of the Debit Note No.AEL/CHN/AE/DN/007-12-13, dated 11.07.2012 for

EUR 2457.12.

50) Ex.P50 is the computer generated copy of the Debit Note No.BLR/AE/DN/001/12-13, dated 03.08.2012 for EUR 393.40.

51) Ex.P51 is the computer generated copy of the email dated 12.07.2014.

52) Ex.P52 is the computer generated true copy of the legal notice dated 27.02.2015.

53) Ex.P53 is the original reply notice dated 13.03.2015.

54) Ex.P54 is the computer generated true copy of the reply lawyer notice dated 01.05.2015.

55) Ex.P55 is the computer generated copy of the statement of accounts, dated 30.07.2015.

3. The learned counsel for the plaintiff further submitted that the plaintiff has proved his case and the Suit will have to be decreed.

4. Though notice has been served and the name of the defendant has been printed in the cause list, there is no representation on behalf of the respondent. Hence, the defendant set-exparte. Taking into consideration, the

pleadings, the evidence of P.W.1 and Exs.P1 to P55, this Court is of the view that the plaintiff has proved his case and the Suit is liable to be decreed and accordingly, the Suit stands decreed with cost.

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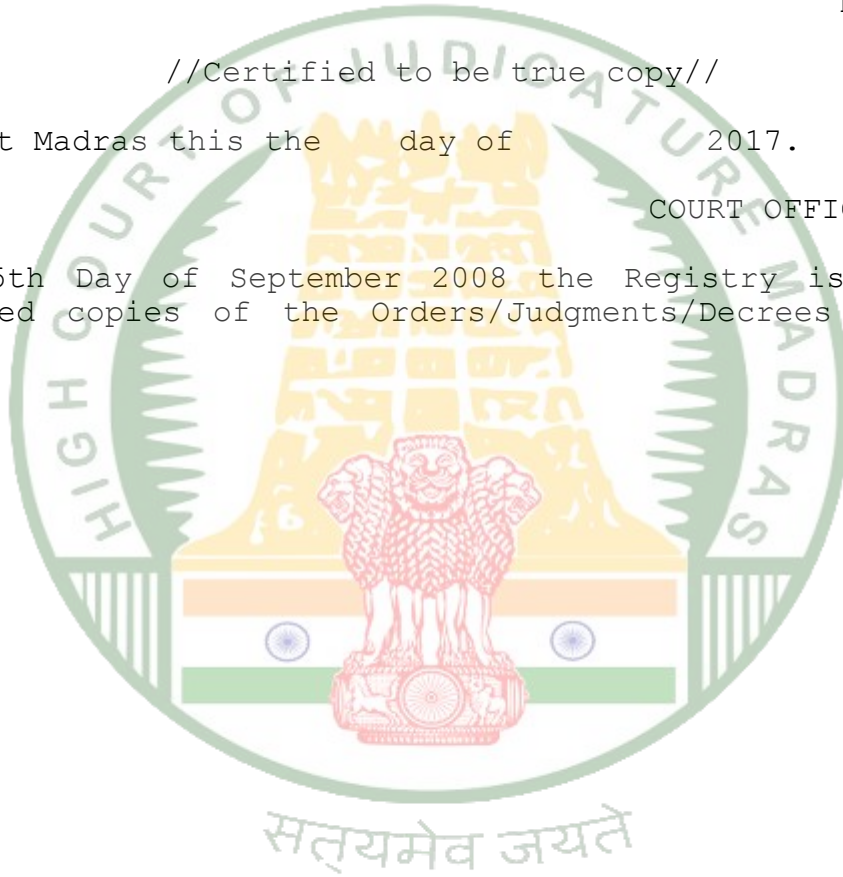
M.K.K.S.J

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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