

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 3874 OF 1996**

Reliance Industries Ltd	...Plaintiff
<i>Versus</i>	
The Official Liquidator, High Court, Delhi being the Official Liquidator of M/s. Uniplas India Ltd	...Defendant

**Mr Kuber Wagle, with Shikha Patel, i/b Purnanand & Co., for the
Plaintiff.**

**CORAM: G.S. PATEL, J
DATED: 19th November 2018**

PC:-

1. The Suit, listed today for an *ex parte* decree, was filed as a Summary Suit under Order 37 Rule 2 of the Code of Civil Procedure 1908. The Defendant is now in liquidation and the Official Liquidator, High Court, Delhi has been joined.

2. The Suit is for recovery of an amount of Rs. 3,99,85,286/- with interest on the principal amount of Rs. 2,44,34,672.96 at the rate of 24% per annum from the date of the suit until payment or realization.

3. The cause of action in the Suit is that the Plaintiffs sold, supplied and delivered diverse quantities of Reon PVC Resin at the

request of the Defendant. The Plaintiff raised 52 invoices in the aggregate amount of Rs. 2,48,32,880/-. The Defendant made part payment of Rs. 3,98,207.04 and, therefore, the remaining amount of Rs. 2,44,34,672.96 remained due and payable. The Defendant by its letter dated 3rd November 1995 in response to the Plaintiff's demand of 19th October 1995, accepted the demand subject to final verification. By that letter of 3rd November 1995, the Defendant also admitted that they had availed credit facilities of Rs. 2 crores from the Plaintiff.

4. Thus the claim is brought for the balance on the principal amount of Rs. 2,44,34,672.96, with interest computed at the invoice rate of 24% per annum until the date of the Suit and further interest from the date of the Suit onwards.

5. Mr VR Raghunandan, Constituted Attorney for the Plaintiff is present in Court. He has filed his Evidence Affidavit dated 9th October 2018. The Defendant never entered appearance.

6. Mr Raghunandan in his Evidence Affidavit deposes to the compilation of 52 invoices, the letter dated 19th October 1995 from the Plaintiff's Advocates to the Defendant, copies of "C" form collected from the Defendant, and the Defendant's response dated 3rd November 1995. The invoices are produced along with delivery challans. The compilation is taken on record and marked **Exhibit "P" (collectively)** in evidence.

7. The original documents are to be returned to the Advocates for the Plaintiff upon these being substituted with authenticated copies.

8. Even though there is no Written Statement filed, had the Defendants entered appearance they would have been at liberty to cross-examine the Plaintiff's witness to the limited extent permissible in law.

9. The Defendants not having appeared or entered appearance, the Suit is decreed as prayed.

10. Drawn up decree expedited.

(G. S. PATEL, J)