

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :03.12.2018

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.(NPD).No.2143 of 2013

and

M.P.No.1 of 2013

M/s.South India Stock Broking
Services Limited,
Rep.by its Director,
Now at:
No.73, III Cross Street,
Gandhi Nagar, Adyar,
Chennai – 600 020.

...

Petitioner

Vs.

M/s. Wels,
Rep.by its Partner,
Mr.C.S.Ram,
Mahalakshmi Buildings,
Old No.92, New No.98,
Mount Road, Guindy,
Chennai – 600 032.

...

Respondent

सत्यमेव जयते

Prayer :- The Civil Revision Petition has been filed under Section 115 of C.P.C. against the Judgment dated 17.09.2008 passed in N.T.A.No.1 of 2007 (V Judge, Small Causes Court, Chennai), confirming the judgment dated 06.03.2006 passed in Suit No.230 of 2005 (IX Judge, Small Causes Court, Chennai).

For Petitioner

: Mr.Prakash Goklaney

Respondent

: No appearance

ORDER

The instant revision petition has been filed challenging the Judgement and decree dated 17.09.2008 passed in NTA No.1 of 2007 (V Judge, Small Causes Court) Chennai, who has modified the judgement and decree dated 06.03.2006 passed by IX Small Causes Court, Chennai in S.C.No.230 of 2005.

2.The petitioner is the defendant in suit S.C.No.230 of 2005 filed by the respondent for recovery of a sum of Rs.19,676/- together with interest at 24% per annum from the date of the plaint till the date of realisation.

3.The suit was filed by the respondent for the alleged non payment of service charges towards security services, consultancy, personal management services etc., since 1967 by the petitioner. The IX Court of Small Causes, Chennai, by its judgment and decree dated 06.03.2006 in S.C.No.230 of 2005 partly decreed the suit and directed the petitioner to pay a sum of Rs.9,085.40 together with interest at 12% per annum from 06.06.2002 till the date of judgement and thereafter, pay interest at 6% per annum till the date of realisation.

4. Aggrieved by the judgment and decree dated 06.03.2006 passed in S.C.No.230 of 2005, the petitioner preferred an appeal before the appellate authority viz., The Bench of the Small Causes Court (II and V judges) at Chennai in NTA No.1 of 2007. The appellate Court by its judgment and decree dated 17.09.2008 modified the judgment and decree dated 06.03.2006 passed by the IX Court of Small Causes, Chennai in S.C.No.230 of 2005 by partly allowing an appeal in respect of interest alone and in other aspects, the trial Court's decree and judgment was confirmed by the appellate Court. The appellate Court by its judgment and decree dated 17.09.2008 directed the petitioner to pay interest at the rate of 6% per annum from the date of the suit i.e. 06.06.2005 till the date of realisation instead of 12% per annum, which was granted by the trial Court and in other aspects, the trial Court decree and judgment was confirmed by the appellate Court. Aggrieved by the judgment and decree dated 17.09.2008 passed by the Bench of the Small Causes Court in NTA No. 1 of 2007, the instant revision has been filed.

5. Heard Mr. Prakash Goklaney, learned counsel appearing for the petitioner. Despite service of notice on the respondent, none has entered appearance on their side.

6.This Court has perused the judgment and decree dated 06.03.2006 passed by the trial Court in S.C.No.230 of 2005 as well as the judgment and decree dated 17.09.2008 passed by the lower appellate Court in NTA No.1 of 2007.

7.The suit has been filed by the respondent for recovery of a sum of Rs.19,676/- from the petitioner for the alleged non payment of service charges towards security services rendered by them for the petitioner from 1967 onwards. The respondent has filed 16 documents before the trial Court, which were marked as exhibits before the trial Court. The respondent's witness as well as the petitioner's witness were examined as witnesses before the trial Court. On the side of the petitioner, one document has been marked as exhibit. The trial Court has considered the oral and documentary evidence produced by both the parties to the dispute and only thereafter, has passed the decree for a sum of Rs.9,085.40 together with interest at 12% per annum from 06.06.2002 till the date of the judgment and at 6% per annum, thereafter, till the date of realisation. Even though the suit claim was for a higher sum of Rs.19,676/-, the suit was decreed only for Rs.9,085.40 and the appellate Court in NTA No.1 of 2007 has also confirmed the findings given by the trial Court excepting for modifying the rate of interest from 12% to 6% from the date of the suit till the date of realisation.

8.This Court has perused and examined the judgment of the trial Court as well as the lower appellate Court and does not find any infirmity in the findings of the lower appellate Court. Being concurrent findings and the findings of the lower appellate Court being plausible findings, there is no merit in this revision. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
sms

29.11.2018

To

1. V Judges, Small Causes Court, Chennai.
2. IX Judge, Small Causes Court, Chennai.

सत्यमेव जयते

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ABDUL QUDDHOSE,J.

sms



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