

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.482 of 2019

Kareem Basha
Proprietor

M/s.Taj Mutton and chicken Supplies,
No.27/44, Thippu Street,
Royapettah,
Chennai – 600 014.

...Plaintiff

Versus

1.Asif Ahmed,
Proprietor M/s.Aasife Biryani

2.A.Ramazan Begum,

Both carrying on business at
No.9, A.M. Tower, Ground and first floor,
G.S.T. Road, Guindy,
Chennai – 600 032.

Also at

D-6, T.V.K. Industrial Estate,
Guindy, Chennai – 600 032.

...Defendants

This Civil Suit is filed under Order VII Rule 1 of O.S. Rules read with Order XXXVII Rules 1 and 2 of C.P.C. Read with the Commercial Courts, Commercial Division and Commercial Appellate division of High Courts Act, 2015, prayed (a) direct the defendants to pay a sum of Rs.1,72,91,258/- towards principal and a sum of Rs.35,18,251.60/- towards interest calculated at 25% per annum, in all a total sum of Rs.2,08,09,509.60/-, and also to pay the future interest at the rate of 24% per annum on the principal amount of Rs.1,72,91,258/- from the date of the plaint till the date of realiation.

(b) cost of the suit.

For Plaintiff : Mr.T.Velumani

For Defendants : set ex-parte
vide order dated 15.11.2019

J U D G M E N T

The suit has been filed for the following reliefs:

(a) direct the defendants to pay a sum of Rs.1,72,91,258/- towards principal and a sum of Rs.35,18,251.60/- towards interest calculated at 25% per annum, in all a total sum of Rs.2,08,09,509.60/-, and also to pay the future interest at the rate of 24% per annum on the principal amount of Rs.1,72,91,258/-

from the date of the plaint till the date of realisation.

(b) cost of the suit.

2. The case of the plaintiff is that the plaintiff was supplying the meat to the defendants from the year 2012. As per the Ledger produced by the defendants to the plaintiff for the period from 01.04.2018 to 31.03.2019 and 01.07.2017 to March 2018, a total supply to a tune of Rs.6,50,84,200/- was made to the defendants by the plaintiff out of which the defendants had paid several amounts on various intervals in the running accounts and at last the liability as on 01.07.2017 was a sum of Rs.96,20,038/-. Thereafter, further supplies was made through the plaintiff's son Mr.Feroze Basha under the name of K.G.N.Mutton Supplies on various occasions and after adjusting the accounts the defendants are liable to pay a total sum of Rs.1,79,94,258/- out of which they had paid a sum of Rs.4,00,000/- by way of cheque. Further confirming the liability, the defendants had issued the post dated cheques in the month of October 2018 for the value of 1 crore but

the same has not been paid. Hence, the plaintiff submitted that as on today, the defendants are liable to be a sum of Rs.1,75,91,258/- along with interest calculated at the rate of 24% per annum. The plaintiff has also issued a legal notice on 20.07.2019 to the defendants, calling upon them to pay the said sum. The said notice was received by the defendants, but they have not come forward to pay the amount. Hence, the suit has been filed.

3. Since the suit summons sent through Court as well as privately were refused by the defendants, the defendants were set ex-parte vide order dated 15.11.2019.

4. The suit has been filed for summary proceedings and no leave whatsoever was obtained by the defendants. In such circumstances the entire plaint shall be deemed to be admitted as per the Order VII Rule 5 of Original Side Rules.

5. On perusal of the statement of accounts issued by the

defendants for the period from 01.07.2017 to 31.03.2018, the defendants have admitted their liability. Similarly, in the statement of account issued by the defendants for the period from 01.04.2018 to 31.03.2019 also admitted their liability. Further, confirming their liability the defendants have also issued post dated cheques on 25.05.2019, 25.01.2019, 25.01.2020 and 25.09.2020. On 20.07.2019, the plaintiff has issued a legal notice to the defendants and the same has been filed with acknowledgment and return covers.

6. All the documents produced by the plaintiff proved the liability of the defendants. Accordingly the suit is decreed. The plaintiff is entitled interest at the rate 7% from the date of suit till the date of realisation.

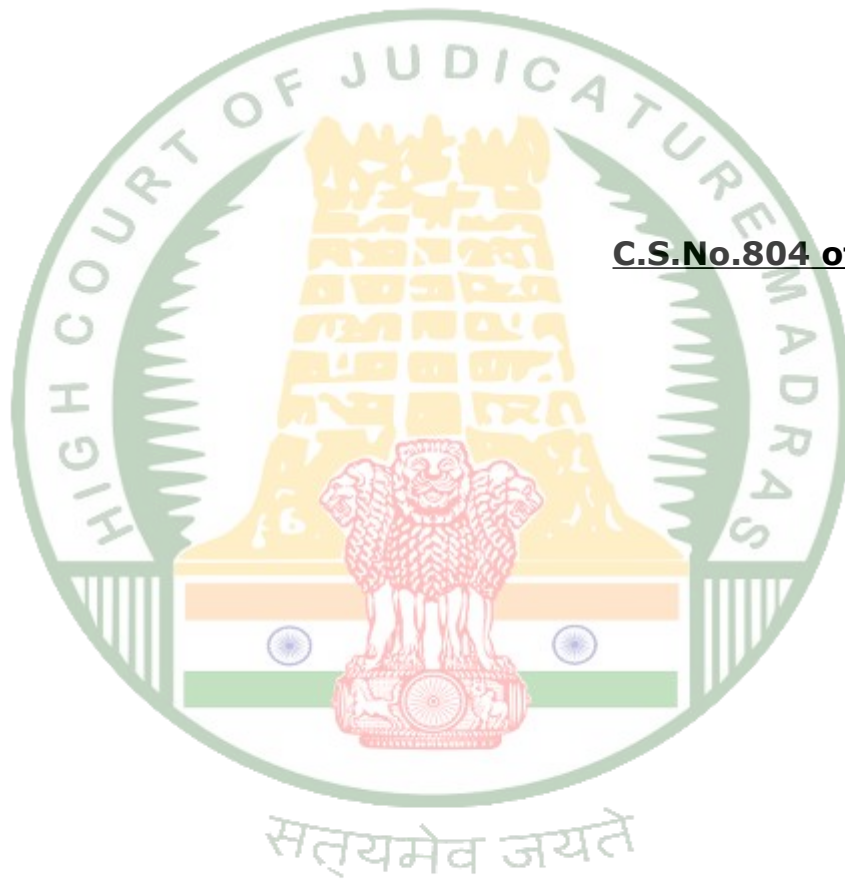
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N.SATHISH KUMAR, J.,

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C.S.No.804 of 2007

21.11.2019

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