

A.No.8328 of 2019
in
C.S.No.654 of 2016 &
A.Nos.4699, 4703, 4704, 4708 of 2016

N.SATHISH KUMAR, J.

This application has been filed seeking summary judgment and decree in the suit.

2. The suit has been originally filed for recovery of a sum of Rs.1,91,04,800/- During the pendency of the suit, based on the admission made by the defendants 1 to 4, a summary judgment has been passed on 20.12.2017 for a sum of Rs.1,66,04,800/- and this Court also held that for the remaining amount, trial should be conducted.

3. Now this application has been filed by the plaintiff seeking interest on the admitted amount and also to give quietus to the entire matter by giving a direction to pay the interest on the admitted amount.

4. The respondent has not appeared and contested the matter. Admittedly, a summary judgment has been passed on the basis of the admission made by the defendants on 22.12.2017. The suit has been decreed for a sum of Rs.1,66,04,800/-. The above amount has also been deposited by various garnishees before this Court and this Court by previous Orders dated 17.09.2019 and 14.11.2019, directed the plaintiff to withdraw the amount.



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C.S.No.98 of 2019

N.SATHISH KUMAR, J.

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5. Now the suit is pending for the interest portion alone. As the liability has been admitted by the defendants, now the suit can be disposed of in respect of interest also. Admittedly, invoices were raised and the transactions are commercial transactions. Accordingly, 18% interest is calculated from 28.04.2014 till the date of filing of the suit, i.e., on 10.08.2016 and the interest comes to Rs.56.53,524/- for the admitted amount of Rs.1,66,04,800/-. Thereafter, interest at the rate of 9% from the date of suit till the date of realization.

6. Accordingly, the suit is disposed of. The registry is directed to draft the decree in terms of the summary judgment with costs and interest at the rate of 18% from 28.04.2014 till the date of filing of the suit, i.e., on and thereafter, at the rate of 9% from the date of suit till the date of realization. Consequently, connected applications are closed.

27.11.2019

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