

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.10.2019

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.820 of 2018 &

A.No.9676 of 2018

M/s.Metronation Chennai Television (Pvt.) Limited,
Represented by its Chief Operating Officer
Mr.J.Prasannajothi
registered office at :
No.86, E.V.K.Sampath Road, Vepery,
Chennai – 600 007
and Corporate Office at :
RMZ Millenia, IC-1st Floor,
#143, Dr.M.G.R.Road,
Kandanchavadi, Perungudi,
Chennai – 600 096.

.. Plaintiff

Vs.

1. M/s.Kerala Faship Jeweller (KFJ) Gold and Diamonds (Pvt.) Ltd.,
Represented by its Managing Director Mr.Sunil Cherian,
Old No.67, New No.153, "The Cherians"
Luz Church Road, Mylapore, Chennai – 600 004.
2. Gold Concepts Technologies Pvt. Ltd.,
Represented by its Managing Director, Mr.Sujith Cherian,
3. Janus Network Services (P) Ltd.,
Represented by its Managing Director,
No.11/7, 1st Floor, SBI Colony, Jeevarathnam Nagar,
Adayar, Chennai – 600 020.

.. Defendants

Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of Code of Civil Procedure to direct the defendants to pay to the plaintiff a sum of Rs.22,14,021.00 together with interest at 18% per annum amounting to Rs.1,43,764.18p for the first four invoices and Rs.1,48,707.18p for the last invoice amounting to Rs.2,92,471.36 and totalling in all to Rs.25,06,492.36p with future interest at 18% per annum on the principal due, i.e., Rs.22,14,021.00p from the date of suit till the date of realization and for costs.

For Plaintiff : Mr.Perumbulavil Radhkrishnan

For defendants : Set exparte

J U D G M E N T

This suit has been filed for recovery of a sum of Rs.22,14,021.00 together with interest at 18% per annum amounting to Rs.1,43,764.18p for the first four invoices and Rs.1,48,707.18p for the last invoice amounting to Rs.2,92,471.36 and totalling in all to Rs.25,06,492.36p with future interest at 18% per annum on the principal due, i.e., Rs.22,14,021.00p from the date of suit till the date of realization and for costs.

2. The plaintiff owns satellite based online telecast of news with national and international coverage under the name 'Thanthi TV'. The channel has a very good viewer ship rating based upon which advertisers and other commercial houses seek to sponsor programs or insert advertisements in the channel. The first defendant owns and controls the activities of the second defendant in so far as the trade of jewellery is concerned. The third defendant is the agent of the first and second defendants to popularize the products of the first and second defendants. The defendants had engaged the plaintiff for advertisements and the advertisements were carried on in the plaintiff's channel Thanthi Television on several dates and time and invoices along with the telecast schedule. The plaintiff raised invoices for the advertisements telecasted in the channel. The plaintiff started advertisement schedule according to the release Order in respect to the month of December 2017, which was approved by the third defendant on 30.11.2017. Similarly, the release Order for the month of February was sent to the plaintiff by e-mail on 07.02.2018. As per the invoices, the defendants are liable to pay a sum of Rs.22,14,921.00 . However, the defendants failed to pay the amount. The third defendant issued a cheque towards partial discharge of the amount, for a sum of Rs.9,61,850/-. Thereafter, requested the plaintiff not to present the cheques and assured that the amount will be transferred through RTGS. However, the amount has not been filed. Hence, the suit.

3. Despite service of notice to the defendants and their name printed in the cause list, as they have not appeared either in person or through their counsel, the defendants have been set exparte.

4. The Chief Operating Manager of the plaintiff company was examined as P.W.1 and Ex.P1 to Ex.P.28 were marked.

P.W.1 – Mr.J.Prasannajothi

<i>S.No.</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibit</i>
1.	2008	Extract of Resolution of Plaintiff Board authorising COO	P-1
2.	30.11.2017	Email of Release Order for December given by the third defendant to the plaintiff	P-2
3.	30.12.2017	Email confirmation of Release Order by the third defendant to the plaintiff	P-3
4.	07.02.2018	Email of Release Order for February 2018 by the third defendant to the plaintiff	P-4
5.	31.12.2017	Copy of Invoice No.DTTV/011043 for Rs.9,53,251.00	P-5
6.	31.12.2017	Copy of Invoice No.DDTV/011044 for Rs.1,805.00	P-6
7.	31.12.2017	Copy of Invoice No.DTTV/011045 for Rs.1,805.00	P-7
8.	31.12.2017	Copy of Invoice No.DTTV/011046 for Rs.5,416.00	P-8
9.	29.03.2018	Email sent by the third defendant to the plaintiff	P-9

S.No.	Date	Description of documents	Exhibit
10.	31.03.2018	Cheque issued by the third defendant to the plaintiff for Rs.9,61,850/-	P-10
11.	26.03.2018	Email sent by the plaintiff to the third defendant	P-11
12.	09.04.2018	Email sent by the plaintiff to the third defendant	P-12
13.	10.04.2018	Email sent by the third defendant to the plaintiff	P-13
14.	25.04.2018	Email sent by the third defendant to the plaintiff	P-14
15.	28.06.2018	Email sent by the plaintiff to the third defendant	P-15
16.	28.06.2018	Email sent by the plaintiff to the third defendant	P-16
17.	18.07.2018	Email sent by the third defendant to the plaintiff	P-17
18.	18.07.2018	Email sent by the plaintiff to the third defendant	P-18
19.	01.08.2018	Email sent by the first defendant to the plaintiff and others	P-19
20.	30.08.2018	Copy of Demand Notice sent by the plaintiff to the third defendant	P-20
21.	04.08.2018	Unclaimed returned cover with postal endorsement	P-21
22.	16.09.2018	Copy of Legal notice sent by the plaintiff to the defendants	P-22
23.	18.09.2018	Postal Acknowledgment Card of the second defendant	P-23
24.	20.09.2018	Postal Acknowledgment Card of the first defendant	P-24
25.	26.09.2019	Unclaimed returned cover sent to the third defendant	P-25
26.	24.09.2018	Reply notice sent by the third defendant to the plaintiff	P-26
27.	-	Statement of account	P-27
28.	25.09.2018	Section 65B Certificate pertaining to Document Nos.13 to 18	P-28

5. P.W.1 in his evidence has clearly spoken about the manner in which the advertisements of the defendants carried in their channel. Ex.P.2 to Ex.P.4 are release Orders for the advertisements to be telecasted in the channel of the plaintiff. Ex.P.5 to Ex.P.8 are the invoices raised by the plaintiff for the service rendered by the plaintiff. Ex.P.9 is the email sent by the third defendant communicating not to present the cheque issued by them. Ex.P.10 is the cheque issued by the third defendant to the plaintiff. Ex.P.11 to Ex.P.19 correspondences also prove the nature of transactions between the plaintiff and the defendants. Ex.P.20 Demand notice has also been issued by the plaintiff. Ex.P.22 is the copy of the legal notice sent by the plaintiff to the defendants.

6. From the above documents and the evidence of P.W.1, it is clear that the plaintiff's services were engaged by the defendants for popularizing their products by advertisements in their channel and in respect of which various invoices have been raised. Despite several demands made by the plaintiff, the amounts due to the plaintiff have not been cleared by the defendants. The defendants have also acknowledged their debt to the plaintiff and a cheque has also been issued towards part payment. All these facts clearly establish the fact that the plaintiff has proved their claim and entitled to a decree as prayed for.

7. Accordingly, the suit is decreed as prayed for with cost with subsequent interest at the rate of 7.5% from the date of suit till the date of realization. Consequently, the connected application is closed.

01.10.2019

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Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order



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C.S.No.820 of 2018

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C.S.No.820 of 2018

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01.10.2019