



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 13TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.No. 349 of 2019

AIR TRAVEL ENTERPRISES INDIA LTD.,

Represented by its Regional Manager,

Mr. Janakiraman,

Crystal Lawn, Ground Floor – B,

No.20, 1st Street, Haddows Road,

Wallace Graden, Nungambakkam,

Chennai – 600 006.

... Plaintiff

-Vs-

1. Mr. S. THIRUMAL,

Proprietor,

M/s, T.P.S. Exports,

Flat No.S1, Land Marvel, 2nd Floor,

No.21, Kalkikrishnamurthy Salai,

Thiruvanmiyur,

Chennai – 600 041.

2. Mrs. T. LATHA,

Authorised Signatory,

M/s. T.P.S. Exports,

Flat No.S1, Land Marvel, 2nd Floor,

No.21, Kalkikrishnamurthy Salai,

Thiruvanmiyur,

Chennai – 600 041.

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass a



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(i) To pay a sum of Rs.1,08,78,464/- [Rupees One Crore Eight Lakhs Seventy Eight Thousand Four Hundred and Sixty Four only] together with future interest at the rate of 24% p.a. on Rs.1,08,78,464/- [Rupees One Crore Eight Lakhs Seventy Eight Thousand Four Hundred and Sixty Four only] from the date of filing of the plaint till its realization.

This Civil Suit coming on this day before this court for hearing in the presence of M/s.M.Abdul Razack & V.Vivek, Advocates for the plaintiffs herein and the defendants herein, not appearing in person or by advocate and the said defendants herein having been set exparte and upon reading the plaint filed herein and the other exhibits therein referred to and upon perusing the evidence adduced therein and this Court having observed that the plaintiff has established that it is entitled to the suit claim, as regards interest, the plaintiff has claimed interest at 24% p.a. on the ground that it is a commercial transaction, since there is no contractual rate of interest, interest should be fixed at a reasonable rate, keeping in mind the interest rate prevailing during the relevant period, interest is awarded at the rate of 18% p.a. **It is ordered and decreed as follows :-**



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That the defendants herein, do pay to the plaintiff herein, a sum of Rs.1,66,64,764/- (Rupees One Crore Sixty Six Lakhs Sixty Four Thousand Seven Hundred and Sixty Four only) with further interest at the rate of 18% per annum on the sum of Rs.1,08,78,464/- (Rupees One Crore Eight Lakhs Seventy Eight Thousand Four Hundred and Sixty Four only) from this date till the date of realisation.

2. That the defendants herein, shall also pay costs assessed in a sum of Rs.3,00,000/- (Rupees Three Lakhs only) and the aforesaid costs includes a sum of Rs.1,12,310/- (Rupees One Lakh Twelve Thousand Three Hundred and Ten only) towards Court Fees and the remainder towards lawyer's fees and other expenses.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 13TH DAY OF APRIL 2022.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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ED

28.04.2022

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C.S.No. 349 of 2019

DECREE

DATED :13.04.2022

THE HON'BLE MR. JUSTICE
SENTHILKUMAR RAMAMOORTHY

FOR APPROVAL: 18.05.2022

APPROVED ON : 31.05.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2022

CORAM

The Hon'ble Mr. Justice **SENTHILKUMAR RAMAMOORTHY****Civil Suit No.349 of 2019**

Air Travel Enterprises India Ltd,
Represented by its Regional Manager,
Mr.Janakiraman,
Crystal Lawn, Ground Floor-B,
No.20, Ist Street Haddows Road,
Wallace Garden, Nungambakkam,
Chennai-600 006.

... Plaintiff

VS.

1. S.Thirumal, Proprietor,
M/s.T.P.S.Exports,
Flat No.S1, Land Marvel, 2nd Floor,
No.21, Kalkikrishnamurthy Salai,
Thiruvanmiyur,
Chennai-600 041.

2. T.Latha,
Authorized Signatory
M/s.T.P.S.Exports,
Flat No.S1, Land Marvel, 2nd Floor,
No.21, Kalkikrishnamurthy Salai,
Thirvanmiyur,
Chennai-600 041.

... Defendant

Civil Suit is filed under Order IV Rule 1 of Original Side Rules read

with Order VII Rule 1 of CPC prays for a judgment and decree against

defendants 1 and 2 (i) to pay a sum of Rs.1,08,78,464/- [Rupees One Crore



Eight Lakhs Seventy Eight Thousand Four Hundred and Sixty Four only]

together with future interest at the rate of 24% p.a. On Rs.1,08,78,464/-

[Rupees One Crore Eight Lakhs Seventy Eight Thousand Four Hundred and Sixty Four only] from the date of filing of the plaint till its realization.

For Plaintiff : M/s.M.Abdul Razack
V.Vivek

J U D G M E N T

The suit is filed for recovery of a sum of Rs.1,08,78,464/- along with interest thereon at the rate of 24% p.a. from the date of the plaint till the date of realization. According to the plaintiff, it is a travel and cargo agent engaged in the business of airline reservations, ticketing, hotel reservations, cargo clearing and forwarding, etc. In course of business, it is stated that the plaintiff transported the cargo of the first defendant to Singapore between May 2015 and October 2016 on running account basis. The suit claim is founded on unpaid invoices in respect thereof.

2. The suit summons was served on the defendants on 01.07.2019.

In spite of service of suit summons, the defendants did not enter appearance. Therefore, the defendants were set *ex parte* by order dated

23.01.2020 and the plaintiff was directed to record evidence.



3. The plaintiff adduced evidence by examining Mr. Janaki Raman, its Regional Manager. The said Janaki Raman filed a proof affidavit, which was affirmed on 11.03.2020. In course of examination-in-chief, 160 documents were exhibited as Exs.P1 to P160. These documents include the ledger account in respect of transactions with the defendants [Ex.P2], details of invoices [Ex.P3], outstanding invoices [Ex.P4 to P153], the acknowledgment of debt dated 23.09.2016 by the second defendant [Ex.154], the acknowledgment of debt dated 07.11.2016 by the first defendant [Ex.P155] and the dishonoured cheques [Exs.P152 to 157].

4. The ledger account discloses an outstanding of Rs.1,08,78,464/- as on 31.03.2017. This is corroborated by the invoices exhibited by the plaintiff. As such, the plaintiff has established that it is entitled to the suit claim. As regards interest, the plaintiff has claimed interest at 24% p.a. on the ground that it is a commercial transaction. Since there is no contractual rate of interest, interest should be fixed at a reasonable rate. Keeping in mind the interest rate prevailing during the relevant period, interest is awarded at the rate of 18% p.a. The plaintiff has paid a court fee of Rs.1,12,310/-. Taking into account the said court fee, lawyer's fees and other expenses, the defendant shall pay a sum of Rs.3 lacs as costs.



Plaintiff's witnesses:

Plaintiff's side exhibits:

<i>Sl. No</i>	<i>Exhibits</i>	<i>Date</i>	<i>Particulars of Documents</i>
1.	Ex.P1	27.04.2019	Original Board Resolution
2.	Ex.P2	From 01.04.2015 to 31.03.2017	(40 pages) are the print out copy of ledger account of the plaintiff
3.	Ex.P3		Copy of details of invoices
4.	Ex.P4	25.04.2016	Copy of Invoice No.00025 with supporting Airway Bill.
5.	Ex.P5	26.04.2016	Copy of Invoice No.00026 with supporting Airway Bill.
6.	Ex.P6	27.04.2016	Copy of Invoice No.00027with supporting



Sl. No	Exhibits	Date	Particulars of Documents
			Airway Bill.
7.	Ex.P7	28.04.2016	Copy of Invoice No.00028 with supporting Airway Bill.
8.	Ex.P8	29.04.2016	Copy of Invoice No.00029 with supporting Airway Bill.
9.	Ex.P9	30.04.2016	Copy of Invoice No.00030 with supporting Airway Bill.
10.	Ex.P10	30.04.2016	Copy of Invoice No.00180.
11.	Ex.P11	01.05.2016	Copy of Invoice No.00031 with supporting Airway Bill
12.	Ex.P12	02.05.2016	Copy of Invoice No.00032 with supporting Airway Bill
13.	Ex.P13	03.05.2016	Copy of Invoice No.00033 with supporting Airway Bill
14.	Ex.P14	04.05.2016	Copy of Invoice No.00034 with supporting Airway Bill
15.	Ex.P15	05.05.2016	Copy of Invoice No.00035 with supporting Airway Bill
16.	Ex.P16	06.05.2016	Copy of Invoice No.00036 with supporting Airway Bill
17.	Ex.P17	07.05.2016	Copy of Invoice No.00037 with supporting Airway Bill
18.	Ex.P18	09.05.2016	Copy of Invoice No.00038 with supporting Airway Bill
19.	Ex.P19	10.05.2016	Copy of Invoice No.00039 with supporting Airway Bill
20.	Ex.P20	11.05.2016	Copy of Invoice No.00040 with supporting Airway Bill
21.	Ex.P21	12.05.2016	Copy of Invoice No.00041 with supporting Airway Bill
22.	Ex.P22	15.05.2016	Copy of Invoice No.00042 with supporting Airway Bill
23.	Ex.P23	17.05.2016	Copy of Invoice No.00043 with supporting



Sl. No	Exhibits	Date	Particulars of Documents
			Airway Bill
24.	Ex.P24	19.05.2016	Copy of Invoice No.00044 with supporting Airway Bill
25.	Ex.P25	20.05.2016	Copy of Invoice No.00045 with supporting Airway Bill
26.	Ex.P26	21.05.2016	Copy of Invoice No.00046 with supporting Airway Bill
27.	Ex.P27	22.05.2016	Copy of Invoice No.00047 with supporting Airway Bill
28.	Ex.P28	02.05.2016	Copy of Invoice No.00048 with supporting Airway Bill
29.	Ex.P29	25.05.2016	Copy of Invoice No.00049 with supporting Airway Bill
30.	Ex.P30	26.05.2016	Copy of Invoice No.00050 with supporting Airway Bill
31.	Ex.P31	28.05.2016	Copy of Invoice No.00051 with supporting Airway Bill
32.	Ex.P32	30.05.2016	Copy of Invoice No.00052 with supporting Airway Bill
33.	Ex.P33	31.05.2016	Copy of Invoice No.00053 with supporting Airway Bill
34.	Ex.P34	31.05.2016	Copy of Invoice No.00181 with supporting Airway Bill
35.	Ex.P35	01.06.2016	Copy of Invoice No.00054 with supporting Airway Bill
36.	Ex.P36	02.06.2016	Copy of Invoice No.00055 with supporting Airway Bill
37.	Ex.P37	03.06.2016	Copy of Invoice No.00056 with supporting Airway Bill
38.	Ex.P38	04.06.2016	Copy of Invoice No.00057 with supporting Airway Bill
39.	Ex.P39	05.06.2016	Copy of Invoice No.00058 with supporting Airway Bill



<i>Sl. No</i>	<i>Exhibits</i>	<i>Date</i>	<i>Particulars of Documents</i>
40.	Ex.P40	06.06.2016	Copy of Invoice No.00059 with supporting Airway Bill
41.	Ex.P41	07.06.2016	Copy of Invoice No.00060 with supporting Airway Bill
42.	Ex.P42	08.06.2016	Copy of Invoice No.00061 with supporting Airway Bill
43.	Ex.P43	09.06.2016	Copy of Invoice No.00065 with supporting Airway Bill
44.	Ex.P44	10.06.2016	Copy of Invoice No.00066 with supporting Airway Bill
45.	Ex.P45	11.06.2016	Copy of Invoice No.00067 with supporting Airway Bill
46.	Ex.P46	12.06.2016	Copy of Invoice No.00126 with supporting Airway Bill
47.	Ex.P47	13.06.2016	Copy of Invoice No.00068 with supporting Airway Bill
48.	Ex.P48	14.06.2016	Copy of Invoice No.00069 with supporting Airway Bill
49.	Ex.P49	15.06.2016	Copy of Invoice No.00070 with supporting Airway Bill
50.	Ex.P50	16.06.2016	Copy of Invoice No.00127 with supporting Airway Bill
51.	Ex.P51	17.06.2016	Copy of Invoice No.00071 with supporting Airway Bill
52.	Ex.P52	18.06.2016	Copy of Invoice No.00072 with supporting Airway Bill
53.	Ex.P53	20.06.2016	Copy of Invoice No.00073 with supporting Airway Bill
54.	Ex.P54	21.06.2016	Copy of Invoice No.00076 with supporting Airway Bill
55.	Ex.P55	22.06.2016	Copy of Invoice No.00077 with supporting Airway Bill
56.	Ex.P56	23.06.2016	Copy of Invoice No.00078 with supporting



Sl. No	Exhibits	Date	Particulars of Documents
			Airway Bill
57.	Ex.P57	24.06.2016	Copy of Invoice No.00079 with supporting Airway Bill
58.	Ex.P58	25.06.2016	Copy of Invoice No.00080 with supporting Airway Bill
59.	Ex.P59	26.06.2016	Copy of Invoice No.00081 with supporting Airway Bill
60.	Ex.P60	27.06.2016	Copy of Invoice No.0082 & 0011 with supporting Airway Bill
61.	Ex.P61	28.06.2016	Copy of Invoice No.0083 & 00113 with supporting Airway Bill
62.	Ex.P62	29.06.2016	Copy of Invoice No.0084 & 00114 with supporting Airway Bill
63.	Ex.P63	30.06.2016	Copy of Invoice No.00085 with supporting Airway Bill
64.	Ex.P64	30.06.2016	Copy of Invoice No.00182
65.	Ex.P65	01.07.2016	Copy of Invoice No.0086 with supporting Airway Bill
66.	Ex.P66	02.07.2016	Copy of Invoice No.00087 with supporting Airway Bill
67.	Ex.P67	03.07.2016	Copy of Invoice No.00088 with supporting Airway Bill
68.	Ex.P68	04.07.2016	Copy of Invoice No.00089 with supporting Airway Bill
69.	Ex.P69	05.07.2016	Copy of Invoice No.00090 with supporting Airway Bill
70.	Ex.P70	06.07.2016	Copy of Invoice No.00128 with supporting Airway Bill
71.	Ex.P71	07.07.2016	Copy of Invoice No.00091 with supporting Airway Bill
72.	Ex.P72	08.07.2016	Copy of Invoice No.00092 with supporting Airway Bill
73.	Ex.P73	09.07.2016	Copy of Invoice No.00093 with supporting



Sl. No	Exhibits	Date	Particulars of Documents
			Airway Bill
74.	Ex.P74	10.07.2016	Copy of Invoice No.00094 with supporting Airway Bill
75.	Ex.P75	11.07.2016	Copy of Invoice No.00095 with supporting Airway Bill
76.	Ex.P76	12.07.2016	Copy of Invoice No.00096 with supporting Airway Bill
77.	Ex.P77	13.07.2016	Copy of Invoice No.00097 with supporting Airway Bill
78.	Ex.P78	14.07.2016	Copy of Invoice No.00098 with supporting Airway Bill
79.	Ex.P79	05.07.2016	Copy of Invoice No.00099 with supporting Airway Bill
80.	Ex.P80	16.07.2016	Copy of Invoice No.00100 with supporting Airway Bill
81.	Ex.P81	17.07.2016	Copy of Invoice No.00101 with supporting Airway Bill
82.	Ex.P82	18.07.2016	Copy of Invoice No.00102 with supporting Airway Bill
83.	Ex.P83	21.07.2016	Copy of Invoice No.00103 with supporting Airway Bill
84.	Ex.P84	22.07.2016	Copy of Invoice No.00104 with supporting Airway Bill
85.	Ex.P85	23.07.2016	Copy of Invoice No.00105 with supporting Airway Bill
86.	Ex.P86	24.07.2016	Copy of Invoice No.00106 with supporting Airway Bill
87.	Ex.P87	26.07.2016	Copy of Invoice No.00107 with supporting Airway Bill
88.	Ex.P88	27.07.2016	Copy of Invoice No.00108 with supporting Airway Bill
89.	Ex.P89	28.07.2016	Copy of Invoice No.00109 with supporting Airway Bill



<i>Sl. No</i>	<i>Exhibits</i>	<i>Date</i>	<i>Particulars of Documents</i>
90.	Ex.P90	29.07.2016	Copy of Invoice No.00110 with supporting Airway Bill
91.	Ex.P91	31.07.2016	Copy of Invoice No.00111 with supporting Airway Bill
92.	Ex.P92	31.07.2016	Copy of Invoice No.183
93.	Ex.P93	01.08.2016	Copy of Invoice No.00117 with supporting Airway Bill
94.	Ex.P94	02.08.2016	Copy of Invoice No.00118 with supporting Airway Bill
95.	Ex.P95	03.08.2016	Copy of Invoice No.00119 with supporting Airway Bill
96.	Ex.P96	04.08.2016	Copy of Invoice No.00120 with supporting Airway Bill
97.	Ex.P97	05.08.2016	Copy of Invoice No.00121 with supporting Airway Bill
98.	Ex.P98	06.08.2016	Copy of Invoice No.00122 with supporting Airway Bill
99.	Ex.P99	07.08.2016	Copy of Invoice No.00123 with supporting Airway Bill
100.	Ex.P100	09.08.2016	Copy of Invoice No.00133 with supporting Airway Bill
101.	Ex.P101	10.08.2016	Copy of Invoice No.00134 with supporting Airway Bill
102.	Ex.P102	11.08.2016	Copy of Invoice No.00135 with supporting Airway Bill
103.	Ex.P103	12.08.2016	Copy of Invoice No.00136 with supporting Airway Bill
104.	Ex.P104	13.08.2016	Copy of Invoice No.00137 with supporting Airway Bill
105.	Ex.P105	14.08.2016	Copy of Invoice No.00138 with supporting Airway Bill
106.	Ex.P106	16.08.2016	Copy of Invoice No.00139 with supporting Airway Bill



<i>Sl. No</i>	<i>Exhibits</i>	<i>Date</i>	<i>Particulars of Documents</i>
107.	Ex.P107	17.08.2016	Copy of Invoice No.00140 with supporting Airway Bill
108.	Ex.P108	18.08.2016	Copy of Invoice No.00141 with supporting Airway Bill
109.	Ex.P109	19.08.2016	Copy of Invoice No.00142 with supporting Airway Bill
110.	Ex.P110	21.08.2016	Copy of Invoice No.00143 with supporting Airway Bill
111.	Ex.P111	23.08.2016	Copy of Invoice No.00144 with supporting Airway Bill
112.	Ex.P112	24.08.2016	Copy of Invoice No.00147 with supporting Airway Bill
113.	Ex.P113	25.08.2016	Copy of Invoice No.00148 with supporting Airway Bill
114.	Ex.P114	26.08.2016	Copy of Invoice No.00149 with supporting Airway Bill
115.	Ex.P115	27.08.2016	Copy of Invoice No.00150 with supporting Airway Bill
116.	Ex.P116	28.08.2016	Copy of Invoice No.00151 with supporting Airway Bill
117.	Ex.P117	29.08.2016	Copy of Invoice No.00152 with supporting Airway Bill
118.	Ex.P118	30.08.2016	Copy of Invoice No.00153 with supporting Airway Bill
119.	Ex.P119	31.08.2016	Copy of Invoice No.00154 with supporting Airway Bill
120.	Ex.P120	31.08.2016	Copy of Invoice No.184
121.	Ex.P121	01.09.2016	Copy of Invoice No.00170 with supporting Airway Bill
122.	Ex.P122	02.09.2016	Copy of Invoice No.00171 with supporting Airway Bill
123.	Ex.P123	03.09.2016	Copy of Invoice No.00172 with supporting Airway Bill

Sl. No	Exhibits	Date	Particulars of Documents
124.	Ex.P124	04.09.2016	Copy of Invoice No.00173 with supporting Airway Bill
125.	Ex.P125	05.09.2016	Copy of Invoice No.00174 with supporting Airway Bill
126.	Ex.P126	06.09.2016	Copy of Invoice No.00175 with supporting Airway Bill
127.	Ex.P127	24.09.2016	Copy of Invoice No.00185 with supporting Airway Bill
128.	Ex.P128	25.09.2016	Copy of Invoice No.00186 with supporting Airway Bill
129.	Ex.P129	26.09.2016	Copy of Invoice No.00187 with supporting Airway Bill
130.	Ex.P130	27.09.2016	Copy of Invoice No.00188 with supporting Airway Bill
131.	Ex.P131	28.09.2016	Copy of Invoice No.00189 with supporting Airway Bill
132.	Ex.P132	29.09.2016	Copy of Invoice No.00190 with supporting Airway Bill
133.	Ex.P133	30.09.2016	Copy of Invoice No.00242
134.	Ex.P134	01.10.2016	Copy of Invoice No.00191 with supporting Airway Bill
135.	Ex.P135	02.10.2016	Copy of Invoice No.00192 with supporting Airway Bill
136.	Ex.P136	03.10.2016	Copy of Invoice No.00202 with supporting Airway Bill
137.	Ex.P137	04.10.2016	Copy of Invoice No.00203 with supporting Airway Bill
138.	Ex.P138	05.10.2016	Copy of Invoice No.00204 with supporting Airway Bill
139.	Ex.P139	06.10.2016	Copy of Invoice No.00205 with supporting Airway Bill
140.	Ex.P140	07.10.2016	Copy of Invoice No.00206 with supporting Airway Bill

Sl. No	Exhibits	Date	Particulars of Documents
141.	Ex.P141	08.10.2016	Copy of Invoice No.00207 with supporting Airway Bill
142.	Ex.P142	09.10.2016	Copy of Invoice No.00208 with supporting Airway Bill
143.	Ex.P143	10.10.2016	Copy of Invoice No.00225 with supporting Airway Bill
144.	Ex.P144	11.10.2016	Copy of Invoice No.00226 with supporting Airway Bill
145.	Ex.P145	12.10.2016	Copy of Invoice No.00210 with supporting Airway Bill
146.	Ex.P146	13.10.2016	Copy of Invoice No.00211 with supporting Airway Bill
147.	Ex.P147	14.10.2016	Copy of Invoice No.00212 with supporting Airway Bill
148.	Ex.P148	15.10.2016	Copy of Invoice No.00213 with supporting Airway Bill
149.	Ex.P149	17.10.2016	Copy of Invoice No.00214 with supporting Airway Bill
150.	Ex.P150	18.10.2016	Copy of Invoice No.00215 with supporting Airway Bill
151.	Ex.P151	19.10.2016	Copy of Invoice No.00216 with supporting Airway Bill
152.	Ex.P152	02.10.2016	Copy of Invoice No.00227 with supporting Airway Bill
153.	Ex.P153	31.10.2016	Copy of Invoice No.243
154.	Ex.P154	23.09.2016	The photocopy of acknowledgement of debt by 2 nd defendant
155.	Ex.P155	07.11.2016	The photocopy of acknowledgement of debt by 1 st defendant
156.	Ex.P156	27.03.2017	The photocopy of cheque bearing No.283468 for Rs.60,00,000/-.
157.	Ex.P157	27.03.2017	The photocopy of cheque bearing



<i>Sl. No</i>	<i>Exhibits</i>	<i>Date</i>	<i>Particulars of Documents</i>
			No.645319 for Rs.48,78,464/-.
158.	Ex.P158	12.04.2017	The photocopy of return memo (2 nos)
159.	Ex.P159	11.09.2018	The photocopy of legal notice
160.	Ex.P160	20.09.2018	The photocopy of delivery proof on 2 nd defendant

Sd./- S.K.R.J.,
13/04/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.