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C.S.(Comm Div) No.291 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.(Comm Div) No.291 of 2023

M/s.Craft Mold (India) Private Limited,
Rep.by its Authorised Representative,
Mr.C.Manivannan,
No.116A, 2nd Main Road,
SIDCO Industrial Estate,
Thirumudivakkam,
Chennai-600 124.

... Plaintiff

Vs.

Aadhithya Foundation,
Rep by its Director,
S. Jayamoorthy,
New No.57, Sri Sai Nagar,
1st Mail Road, Virugambakkam,
Chennai - 600 092.

... Defendant

PRAYER: The Plaint filed under Order VII Rule 1 of Civil Procedure Code, 1908 read with Order IV Rule 1 of Original Side Rules and Section 7 of the Commercial Courts Act, 2015, and numbered as C.S.(Comm Div) No.291 of 2023, praying for judgment and decree against the defendant , as follows:



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(a) Directing the Defendant to pay to the Plaintiff a sum of Rs.1,20,13,006/- (Rupees One Crore twenty Lakhs and thirteen thousand and six only) being the total amounts which is due and payable by them as on 15.10.2019 which is inclusive of the interest, default interest, costs and charges and further direct the defendant to pay future interest at the rate of 18 percent with monthly rests from the date of the instant suit till the date of actual payment in full, and

(b) For the Costs of the suit.

For Plaintiff : M/s.Sarvabhauman Associates

For Defendant : Set exparte vide order dated 01.04.2024

J U D G M E N T

The plaintiff has filed the suit to direct the defendant to pay to the plaintiff a sum of Rs.1,20,13,006/- (Rupees One Crore, twenty Lakhs , thirteen thousand and six only) being the total amounts which is due and payable by them as on 15.10.2019, which is inclusive of the interest, default interest, costs and charges and further to direct the defendant to pay future interest at the rate of 18 percent with monthly rests from the date of the instant suit till the date of actual payment in full.



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2. It is the case of the plaintiff that the plaintiff has proposed to built a factory with world class facility in order to expand its business. The plaintiff and defendant entered into contract and the defendant had agreed to put up construction at the rate of Rs.1722.50 per sq.ft and had issued a purchase order. The defendant without following the plan, had made several flaws in the construction and hence the plaintiff was constrained to rework the entire factory construction due to which, the plaintiff had suffered huge loss. Further the defendant under the guise of social worker, had issued notices to the local authorities alleging that the factory has been constructed with various violations and deviations and further requested the authorities to demolish the factory and harrass the plaintiff in order to extract money from the plaintiff. Hence the plaintiff has filed the present suit.

3. The defendant has already been set ex-parte by this Court on 04.04.2024 The plaintiff has recorded the ex-parte evidence. The plaintiff was examined as PW1. He has also filed a proof affidavit reiterating the contents of the plaint filed in support of this suit. Through PW1, 17



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documents have been marked as Exs.P1 to P17. Ex.P1 is the original Estimate issued by the defendant dated 27.10.2018. Ex.P2 is the original purchase order issued by the plaintiff dated 27.10.2018. Ex.P3 is the original Estimate and tax invoice issued by the defendant dated 09.02.2018. Ex.P4 is the original Purchase order issued by the plaintiff dated 09.02.2018. Ex.P5 is the original Surveyor/Valuation report issued by one Mr.P.Ilangovan dated 10.01.2022. Ex.P6 is the Original Surveyor/Valuation report issued by one Mr.P.S.Padamakumar dated 22.03.2022. Ex.P7 is the office copy of the legal notice issued by the plaintiff to defendant dated 29.04.2022. Ex.P8 is the photocopy of reply notice issued to the legal notice issued by the defendant dated 18.05.2022. Ex.P9 is the photocopy of the Transaction details in favour of the defendants issued by the plaintiff bank dated 29.12.2022. Ex.P10 is the photocopy of the request letter issued by the plaintiff to Shinhan Bank dated 27.12.2022. Ex.P11 is the Photocopy of the loan details issued by Shinhan Bank in favour of the plaintiff loan account dated 30.12.2022. Ex.P12 is the series (4 nos) photocopies of the invoices issued by A.G.Fab infavour of plaintiff dated 15.10.2020, 03.11.2020,



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04.01.2021, 25.02.2021. Ex.P13 is the photocopy of the invoice issued by DIMENSUN designer and interior in favour of plaintiff dated 17.11.2020 to 23.03.2022. Ex.P14 is the Photocopy of the invoice issued by apex constructions in favour of the plaintiff dated 26.12.2019 and 12.12.2020. Ex.P15 is the office copy of the payment details towards defendants on the file of the plaintiff. Ex.P16 is the original closure report. Ex.P17 is the original Board Resolution dated 03.08.2022.

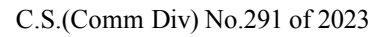
4. Upon hearing the learned counsel for the plaintiff and on an analysis of the above oral and documentary evidence adduced on the side of the plaintiff, it is clear that the plaintiff has proved his case.

5. In view of the same, the Civil Suit is decreed with costs

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Plaintiff's witness: P.W.1 – Mr.C.Manivannan



Documents exhibited by the plaintiff:

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			account dated 30.12.2022.
12	Ex.P12	15.10.2020, 03.11.2020, 04.01.2021, 25.02.2021	Series (4 nos) photocopies of the invoices issued by A.G.Fab infavour of plaintiff dated 15.10.2020, 03.11.2020, 04.01.2021, 25.02.2021
13	Ex.P13	17.11.2020 to 23.03.2022	Photocopy of the invoice issued by DIMENSUN designer and interior in favour of plaintiff dated 17.11.2020 to 23.03.2022
14	Ex.P14	26.12.2019 and 12.12.2020.	Photocopy of the invoice issued by apex constructions in favour of the plaintiff dated 26.12.2019 and 12.12.2020.
15	Ex.P15	-	Office copy of the payment details towards defendants on the file of the plaintiff.
16	Ex.P16	-	Original closure report
17	Ex.P17	03.08.2022	Original Board Resolution dated 03.08.2022.

Documents exhibited by the Defendant: Nil

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P.VELMURUGAN, J.



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