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C.R.P.No.3540 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.3540 of 2017 and
C.M.P.No.16371 of 2017

1.M/s.Tech-Up Engineering Private Ltd
Rep by its Chairman and Managing Director,
Thiru Nagar
North Kattur,
Trichy-620 019

2.Mr.E.Illavarasu
3. Mr.S.Rajkumar
4.Mr.K.Rethinam

... Petitioners

Vs.

Metals's & Metal (Electric)Private Ltd,
Represented by its Managing Director,
Mr.Kantilal Jain
o.136/1, Govindappa Naicken Street,
parrys, Chennai-600 001.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decretal order passed in I.A.No.93 of 2016 in O.S.No.1365 of 2016 dated 17.11.2016 on the file of the XVIII Additional City Civil Judge at Chennai.



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For Petitioner
For respondents

: M/s.V.Illanchezian
:Mr.R.Abdul Mubeen

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioners seeking unconditional leave to defend the suit for recovery of money filed by the respondent.

2. The respondent herein filed a suit for recovery of money against the petitioners in O.S.No.1365 of 2016. It was the case of the respondent company that they supplied electric materials and other accessories to the petitioners on a running account and outstanding amount due from the petitioners on the date of plaint was Rs.13,17,903/- (Rupees Thirteen Lakhs Seventeen Thousand Nine Hundred and Three only). Since the petitioners failed to pay the outstanding amount, the respondent was constrained to file a suit for recovery of money.



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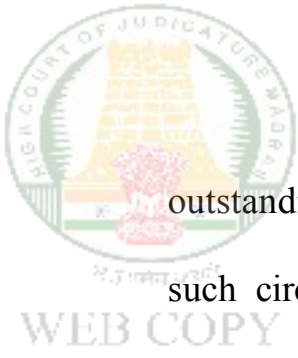


3. The petitioners filed I.A.No.93 of 2016 seeking leave to defend the suit by raising following issues:-

a) According to the petitioners, the orders were placed by them at Trichy and hence, no part of cause of action arose within the territorial limits of Courts at Chennai and hence, the Trial Court had no territorial jurisdiction to entertain the suit.

b) It was contented by the petitioners that the respondent in their invoice claimed excess amount than the actual value of the goods supplied to them. According to the petitioners, as per their account, only a sum of Rs.35,587/- was outstanding and due to the respondent.

4. What was the value of the goods supplied to the petitioners and whether the amount claimed by the respondent in their invoice representing the correct value of the actual goods supplied to the petitioners are all matters to be decided based on the evidence at the time of trial. Therefore, the petitioners in their petition seeking leave to defend the suit, raised some triable issues. However, the petitioners have not filed any ledger account books to show the



outstanding amount as on date of filing of the suit was only Rs.35,587/-. In such circumstances, this Court feels that it would be appropriate to grant conditional leave to the petitioners to defend the suit.

5. Taking into consideration the respective stand of the parties, leave to defend the suit is granted to the petitioners by directing the petitioners to deposit a sum of Rs.4,00,000/-(Rupees Four Lakhs only) to the credit of O.S.No.1365 of 2016 on the file of the learned XVIII Additional City Civil Judge, Chennai within a period of six weeks from the date of receipt of a copy of this Order. In case, the petitioners failed to deposit the amount as directed above, the Civil Revision Petition shall automatically stand dismissed.

6. With the above directions, this Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.03.2024

Index : Yes / No
Internet : Yes / No
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To

The learned XVIII Additional City Civil Judge, Chennai.

S.SOUNTHAR, J.

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