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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

COMMERCIAL FIRST APPEAL NO. 4 OF 2025

Markish Exim and Services Pvt. Ltd. .. Appellant

Versus

Mr. Yedukondalu Mahankali .. Respondent

Mr. Mandar Limaye for appellant.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 13th AUGUST, 2025

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ORAL ORDER [Per Chief Justice]:

1. This appeal under Section 13 (1-A) of the Commercial Courts Act, 2015 has been filed against the impugned judgment dated 23rd September, 2024 passed by the Additional District Judge of the City Civil Court at Mazgaon, Mumbai by which the Commercial Summary Suit No. 100350 of 2023 instituted by the appellant/plaintiff seeking recovery of sum of Rs.7,29,679/- along with interest at the rate of 6.50% per annum has been dismissed.

2. Facts giving rise to filing of the present appeal are that the appellant-company is engaged in the business of import and export of goods. The respondent/defendant is a Proprietor of Sri Sai Lakshmi Gaythri Traders and engaged in the business of Teak wood. According to the averments made in the plaint, sometime in the month of May, 2020,

respondent ordered Rough Teak Woods (Round Logs) from the appellant. The appellant supplied the Rough Teak Woods (Round Logs) as demanded by the respondent. The appellant, thereupon, issued an invoice on 23rd May, 2020 for a sum of Rs.6,16,212/- for supply of 155 pieces of Rough Teak Woods (Round Logs). However, the respondent did not pay the amount due to the appellant on account of supply of Rough Teak Wood (Round Logs). The appellant, thereupon, filed a suit seeking recovery of sum of Rs.7,29,679/- along with interest at the rate of 6.50% per annum. The respondent-defendant in aforesaid civil suit did not appear and, therefore, the suit was proceeded ex-parte. The trial court, however, vide judgment and decree dated 23rd September, 2024 has dismissed the suit preferred by the appellant. Hence, this appeal.

3. Learned counsel for the appellant submitted that the trial court ought to have appreciated that the e-bill was attached to the invoice dated 23rd May, 2020 and the defendant had not adduced any evidence. Therefore, the trial court, in the facts and circumstances of the case, ought to have believed the evidence tendered by the appellant.

4. We have considered the submission made by the learned counsel for the appellant and have perused the record.

5. The trial court on the basis of meticulous appreciation of the evidence on record has recorded a finding that the invoice is without any seal or signature of the respondent/defendant. It has further been held that even if the defendant does not appear, the plaintiff is still under an obligation to prove its claim. It was further held that the plaintiff has not filed any

documentary evidence to show that it had delivered the Rough Teak Wood (Round Logs) to the defendant. The judgment passed by the trial court neither suffers from any infirmity nor any perversity warranting interference of this Court in exercise of its appellate jurisdiction. The findings are based on meticulous appreciation of evidence on record which do not call for any interference.

6. For the aforementioned reasons, we do not find any merit in the appeal. The same fails and is accordingly dismissed.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)