

Govt. Of Karnataka
C.R.P.67]

TITLE SHEET FOR JUDGMENTS IN SUITS
IN THE COURT OF THE XXVIII ADDL. CITY CIVIL JUDGE

Form No.9(Civil)
Title sheet for
Judgment in suits
(R.P.91)

AT MAYOHALL UNIT, BANGALORE.

Present: Sri. A.S.SADALAGE, B.A.,LL.B.(Spl),
(Name of the presiding judge)

Original suit No.26233/2013
(CCCH-29)

Plaintiff: - Mr.Dilip Kumar, s/o.Devaraj, aged bout 40 years,
Proprietor of M/s.Asian Electronics, No.27/2, 1st Cross, 2nd Main,
Mission Road Cross, CKC Garden, Bangalore 27.

(By Pleader Sri.Chand Pasha)
V/s.

Defendant: - M/s.HCL Infosystems Ltd., No.128/1, 2nd Floor,
Vidyadeep, Ulsoor Road, Bangalore 560 042, rep. by its Managing
Director.

(By pleader Expt.)

Date of Institution of the suit

5.8.2013

Nature of the (Suit or pro-note, suit for
declaration and possession, suit for
injunction, etc.)

Money suit.

Date of the commencement of recording of
the Evidence

4.6.2014

Date on which the Judgment was pronounced

27.2.2015

Total duration

Year/s

1

Month/s

6

Days

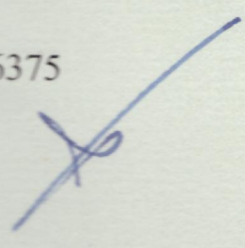
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XXVIII ADDL.CITY CIVIL JUDGE
BANGALORE

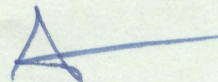
JUDGMENT

This is a suit for recovery of Rs.1,42,000/- with future interest at the rate of 18% p.a. from the date of the suit till complete realization from the defendant.

2. The brief facts of the plaintiff's case are as under :- The plaintiff is a wholesale dealer of cables and electronic components and carrying on business in the address shown in the cause title on cash and credit basis. The plaintiff is a proprietary concern and its proprietor is Dilip Kumar. The defendant is a private limited company and it is the customer of the plaintiff and used to purchase cables and electronic components. The defendant has personally visited the plaintiff firm verified the cables and electronic components and requested the plaintiff to supply the electronic components under credit basis. Accordingly the plaintiff has supplied the cables and electronic components on credit basis as per the terms and conditions of the bill. The supply has been started from 22.4.2010. The plaintiff has maintained the running account concerned to the transaction of the defendant and the goods supplied to the defendant under Bill No.6375



dt.23.9.2011 for Rs.8971-80ps, Bill No.6399 dt.28.9.2011 for Rs.1088-70ps, Bill No.6408 dt.30.9.2011 for Rs.60,348-75ps, Bill No.30.9.2011 for Rs.342/-, Bill No.6420 dt.3.10.2011 for Rs.2526-81ps, Bill No.6437 dt.11.10.2011 for Rs.2593-50ps, Bill No.6447 dt.13.10.2011 for Rs.1083/-, Bill No.6483 dt.20.10.2011 for Rs.1185-60ps, Bill No.6496 dt.21.10.2011 for Rs.2754-80ps, Bill No.6562 dt.17.11.2011 for Rs.37,620/, Bill No.6633 dt.7.12.2011 for Rs.913-50ps and Bill No.6643 dt.9.12.2011 for Rs.2,122-70ps. The defendant has not paid the amount concerned to the above said credit basis. The plaintiff has maintained the accounts concerned to the transaction of the defendant and as per the said account the defendant is found due for Rs.1,16,323-20ps. The defendant has also agreed that if the payment is not made within date he is liable to pay interest at the rate of 18% p.a. The plaintiff has made several requests and demands and finally got issued a legal notice dt.24.4.2013 calling upon the defendant to make the payment of the due amount, the notice has been served on the defendant, but he has not made any payment, even he has not given any reply for the said notice. As on the date of the



suit the defendant is found due for Rs.1,16,323/-. The price of the goods supplied under the above said invoices and interest for delayed payment at the rate of 18% which comes to Rs.24,677/-, the defendant is also liable to pay the legal notice charges at Rs.1000/-, so totally the defendant is liable to pay Rs.1,42,000/-. In spite of legal notice the defendant has failed to pay the said amount, hence plaintiff has constrained to file the suit, accordingly prayed for decree.

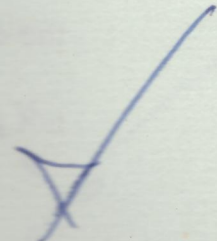
3. The suit summons was issued to the defendant, it is served on the defendant, in spite of it the defendant has not appeared and contested the case, placed *exparte*.

4. The plaintiff to prove his case examined himself as P.w.1 and got marked 15 documents at Ex.P.1 to P.15, closed the side.

5. I have heard the advocate for plaintiff and perused the records.

6. On the above plaint averments the points that arises for my consideration are as under :-

- 1) Whether the plaintiff is entitled for the decree a prayed for?



2) What order or decree?

7. My findings on the above points are as follows :-

1) In the affirmative.

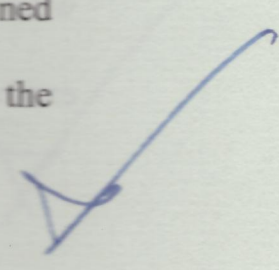
2) As per final order for the following :-

REASONS

8. **Point No.1** :- It is the specific case of the p/ that plaintiff is a wholesale dealer of cables and electronic components, the defendant is a customer of the plaintiff, the defendant has requested the plaintiff to supply the materials, the plaintiff has supplied the materials to the defendant through 12 invoices as stated in the plaint. The plaintiff has maintained the account concerned to the transaction of the defendant, the defendant has not paid the amount and as per the account the defendant is found due for Rs.1,16,323/-. The defendant has also agreed to pay interest at the rate of 18% p.a. if the amount is not paid in time, hence interest on that amount comes to Rs.24,677/- and the defendant is also liable to pay legal notice charges which is at Rs.1000/-. The P.w.1 who is the proprietor of the plaintiff concern in his examination-in-chief by way of affidavit re-iterated the plaint



averments. In support of oral evidence got marked 12 tax invoices at Ex.P.1 to P.12. I have perused the invoice numbers, date and the amount mentioned in the invoices as well as the invoice number, date and the amount mentioned in the plaint, they tallied with each other. On perusal of the tax invoices marked at Ex.P.1 to P.12 it bears the seal of the defendant and somebody has signed for receiving the goods. So it is clear that the plaintiff has supplied the goods as contended in the plaint. Ex.P.13 is the ledger account statement which discloses that the defendant is found due for Rs.1,16,323-20ps. Ex.P.14 is the copy of the legal notice which discloses that the plaintiff has issued the legal notice to the defendant for payment of the said due amount. Ex.P.15 discloses that the said notice is served on the defendant. It is the contention of the plaintiff that inspite of the legal notice the defendant has not paid the said amount. Even though summons is served on the defendant, he has not appeared and contested the case. The oral evidence of P.W.1 and the above referred documents as well as the plaint averments remained unchallenged. There are no any other reasons to disbelieve the



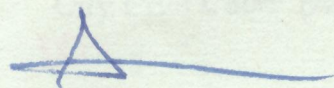
evidence of the plaintiff. The invoices clearly proves that the plaintiff has supplied materials to the defendant as contended in the plaint and the account statement discloses that the defendant is found due Rs.1,16,323-20ps. The terms and conditions of the invoice discloses that the interest will be charged at the rate of 18% p.a. for delayed payment. The plaintiff has calculated interest on the same rate. The materials before the court show that plaintiff has issued a legal notice. Under such circumstances, the plaintiff is entitled for decree as prayed for. The suit is well in time. Hence point No.1 is answered in the affirmative.

9. **Point No.2** :- Inview of my finding on Point No.1, I proceed to pass the following :-

ORDER

The suit of the plaintiff is decreed with costs. The plaintiff is entitled to recover Rs.1,42,000/- (Rs.One lakh fortytwo thousand only) with future interest at the rate of 18% p.a. on the principal amount of Rs.1,16,323/- from the date of the suit till complete realization from the defendant.

Draw the decree accordingly.



[Dictated to the Judgment-Writer, computerized transcript thereof corrected, signed and then pronounced by me in the open court on this the 27th day of February, 2015].


[A.S.SADALGE],
XXVIII Addl. City Civil Judge,
Mayohall, Bangalore.

ANNEXURE

List of witnesses examined for the plaintiffs :-

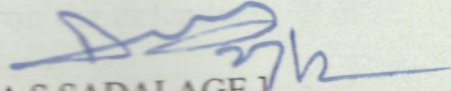
P.W.1 : Dilip Kumar.

List of documents marked :-

Ex.P 1 to 12	Tax invoices.
Ex.P 13	Ledger account statement.
Ex.P 14	Copy of legal notice.
Ex.P 15	Acknowledgement.

List of witnesses examined for the defendants :- Nil.

List of documents marked :- Nil.


[A.S.SADALAGE],
XXVIII ACCJ.