

II ASCJ/VSP
OS 872/2018

In the Court of the II Additional Senior Civil Judge :: Visakhapatnam

**Present: Sri Ch.Vivek Anand Srinivas,
II Additional Senior Civil Judge,
Visakhapatnam.**

Friday, the 5th day of May , 2023

O.S. 872/2018

Between:

M/s Exide Industries Limited, Rep. By its Authorized Signatory & Regional Manager (Administration) Sri K. Saravanan, S/o R. Kannan, Hindu, aged 46 years, having its Regd. Office at Exide House, 58E, Chowringhee Road, Kolkata-700020 and Branch office at D.No. 7-78, Maruthi Kalyana Mandapam, Main Road, Simhachalam, Visakhapatnam

.....Plaintiff

And:

1. M/s S.K. Chakravarthy & Co., Rep., by its Managing Partner, Sri Saradindu Chakravarthy, D.No.7-1-41/2, Kirlampudi Layout, Visakhapatnam
2. Sri Saradindu Chakravarthy, Father's name not known to the plaintiff, Hindu, aged about 70 years, Managing partner of M/s S.K.Chakravarthy & Co., D.No.7-1-41/2, Kiirlampudi Layout, Visakhapatnam

.Defendants

This suit is coming on 5.5.2023 for cross examination of Dw1 (plaintiff filed a memo not pressing the suit) before me in the presence of Sri C.S.R.M and C. S.Sekhar Advocates for Plaintiff and Sri V.V.Ravi Prasad Advocate for Defendants and the matter having stood over for consideration till this day, this court delivered the following:

J U D G M E N T

The suit is filed by the plaintiff against the defendants directing the defendants jointly and severally to pay the suit amount of Rs.6,17,526/- to the plaintiff subsequent interest @ 18% p.a from the date of suit till realization , for costs of the suit.

Counsel for the plaintiff filed memo not pressing the suit. Counsel for the Defendant endorsed no objection and also endorsed not pressing the counter claim filed against the Defendant . Hence , the suit and counter claim filed by plaintiff and defendant are dismissed as hence suit is dismissed as not pressed without costs.

Pronounced by me in open court this the 5th day of May, 2023

**II Addl., Senior Civil Judge,
Visakhapatnam.**

Appendix of evidence
No. of witnesses examined for

Plaintiff:

P.W.1: Smt Guttikonda Surya Kumari (plaintiff) M/s Exide Industries Limited, Rep. By its Authorized signatory & Regional Manager (Administration) Sri K. Saravanan, S/o R. Kannan

No. of exhibits marked for

Plaintiff:

Ex.A1 are 4 E Mail copies of the defendants dt. 9-12-2015

(Ex.A1 are marked subject to objection that they require certificate under 65 B of Evidence Act and the same will be decided at the time of final disposal of the suit)

Ex.A2 is the Office copy of legal notice dt. 22-1-2018

Ex.A3 are 2 postal acknowledgments

Defendant:

D.W1: Saradindu Chakravarthy

No. of exhibits marked for

Defendant:

Ex.B1 are 10 photographs with C D

Ex.B2 is the invoice dt. 4-4-2016

Ex.B3 is the Bill dt. 11-4-2016

Ex.B4 is the Bill dt.11.4-2016

Ex.B5 is the Financial assessment order dt., 28-7-2014 issued by Eastern Power Distribution company of A.P Limited.

Ex.B6 is the Electricity Receipt dt. 17-9-2014

Ex.B7 are 6 Office copy of invoice dt. 1-7-2014 and 1-6-2014

Ex.B8 is the Certificate under sec. 65 (B) of Indian Evidence Act.
dt.10-10-2022

Ex.B9 is the Down loaded copy of Email dt. 12-9-2015

Ex.B10 is the Down loaded copy of Email dt. 14-12-2015

Ex.B11 is the Down loaded copy of letter dt.18-7-2014

Ex.B12 is the Down loaded copy of email dt. 13-7-2014

(**Exs. B9 to Ex.B12** are marked subject to objection and received subject to proof and relevancy)

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Date of Presentation: 9.8.2018

Date of Filing :28.8.2018

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**Present: Sri Ch.Vivek Anand Srinivas,
II Additional Senior Civil Judge,
Visakhapatnam.**

Friday, the 5th day of May, 2023

O.S. 872/2018

Between:

M/s Exide Industries Limited, Rep. By its Authorized Signatory & Regional Manager (Administration) Sri K. Saravanan, S/o R. Kannan, Hindu, aged 46 years, having its Regd. Office at Exide House, 58E, Chowringhee Road, Kolkata-700020 and Branch office at D.No. 7-78, Maruthi Kalyana Mandapam, Main Road, Simhachalam, Visakhapatnam

.....Plaintiff

And:

1. M/s S.K. Chakravarthy & Co., Rep., by its Managing Partner, Sri Saradindu Chakravarthy, D.No.7-1-41/2, Kirlampudi Layout, Visakhapatnam
2. Sri Saradindu Chakravarthy, Father's name not known to the plaintiff, Hindu, aged about 70 years, Managing partner of M/s S.K.Chakravarthy & Co., D.No.7-1-41/2, Kiirlampudi Layout, Visakhapatnam

.Defendants

The suit is filed by the plaintiff against the defendants directing the defendants jointly and severally to pay the suit amount of Rs.6,17,526/- to the plaintiff subsequent interest @ 18% p.a from the date of suit till realization , for costs of the suit.

Value of the suit for the purpose of court fee and jurisdiction is Rs.6,17,526.80 ps /- and court fee of Rs.8,626 /- is paid there on U/s 20 Art.I (b and c) of Sch-1 of A.P.C.F. and S.V.Act.

This suit is coming on 5.5.2023 for cross examination of Dw1 (plaintiff filed a memo not pressing the suit) before me in the presence of Sri C.S.R.M and C. S.Sekhar Advocates for Plaintiff and Sri V.V.Ravi Prasad Advocate for Defendants and the matter having stood over for consideration till this day, this court doth order; and

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DECREE

1. that the suit and counter claim be and the same is hereby dismissed as not pressed ; and
2. that there be order as without costs.

Given under my hand and the seal of the court, this the 5th day of May, 2023

II Additional Senior Civil Judge,
Visakhapatnam

Memorandum of costs
No costs memo is filed on either side

IIASC/VSP

Decree verified and found correct

Superintendent

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