

In the Court of the Principal District Judge
Kancheepuram District @ Chengalpattu.

Present:- Thiru. R.Selvakumar, B.A.,M.L.,
Principal District Judge.

Friday the 8th day of December 2017.

Original Suit No. 178/2012

M/s Aruljothi Constructions, (A partnership Firm)
Represented by its partner Mr.S.Thiagarajan.

..Plaintiff

//Versus//

IT Express Way Limited, Rep. by its Managing
Director, having office at Sindhur Pantheon Road,
Egmore, Chennai 600 008.

..Defendant.

This Suit is coming on 28.11.2017 before me for final hearing in the presence of Tvl. D.Sekar, S.Mubarak Ali, M.Anandeeswaran Advocates for the Plaintiff, Thiru V.Muthuraman, Advocate for the defendant, written statement not filed by the defendant, defendant called absent set ex parte, upon hearing the arguments of the plaintiff, upon perusing the records, having stood over for consideration till this day, this Court delivered the following

JUDGMENT

Suit is filed by the plaintiff for recovery of a sum of Rs.25,55,023/- due on business transaction between the plaintiff and the defendant with subsequent interest at 24% p.a. from the date of plaint till the date of realisation and for costs.

2. The Point to be considered is :

**Whether the Plaintiff is entitled to the decree prayed
for against the defendant?**

3. The plaintiff has filed proof affidavit and examined as P.W.1. 16 documents were marked as Ex.A.1 to A.16

4. Point :

This suit has been filed by the plaintiff for recovery of the suit amount from the defendant. As per the plaint averments, the plaintiff had business dealings with the defendant and as per the invoices and accounts maintained by the plaintiff the suit sum is due. Summon was duly served and they entered appearance through an Advocate and failed to file the written statement.

5. In order to prove the claim, the plaintiff has examined himself as P.W.1 and marked Ex.A.1 to Ex.A.16.

6. Ex.A.13 is the legal notice issued by the plaintiff to the defendant claiming Rs.37,00,000/- . Ex.A.16 is the letter sent by the Defendant's Company. Therein the business transaction between the plaintiff and themselves has been admitted. However, they claimed the plaintiff is liable to pay Rs.1,05,445/- At this juncture this present suit has been filed. The defendant had not chosen to dispute the claim made by the plaintiff. In the absence of any contrary evidence this court is not in a position to refuse the plaintiffs claim. Thus, this court finds the plaintiff is entitled to decree as prayed for with costs.

7. In the result, suit is decreed as prayed for with costs.

Dictated to the Stenographer, taken down transcribed, computerized by her, corrected and pronounced by me in the open Court, this the 08th day of December 2017.

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Sd/-R.Selvakumar
Principal District Judge
Chengalpattu.

Plaintiffs side witness:-

P.W.1 Thiru S.Thiagarajan.

Plaintiff's side Exhibits:-

Ex.A.1	27-07-2007	Certificate of Registration of Plaintiff Firm.
Ex.A.2	17-10-2007	Xerox copy of partnership deed of plaintiff firm.
Ex.A.3	01-10-2008	Xerox copy of purchase order issued by the defendant to the plaintiff.
Ex.A.4	18-11-2008	Xerox copy of the bill submitted by the plaintiff to the defendant.
Ex.A.5	10-10-2008	Conformity purchase order issued by the defendant to the plaintiff.
Ex.A.6	25-11-2008 06-12-2008	Xerox copy of the bills submitted by the plaintiff to the defendant. (2 Nos)
Ex.A.7	02-12-2008	Xerox copy of the purchase order issued by the defendant to the plaintiff.
Ex.A.8	15-12-2008	Xerox copy of Bills submitted by the plaintiff to the defendant.
Ex.A.9	--	Xerox copy of List of pending bill with the defendant
Ex.A.10	29-04-2009	Xerox copy of Cheque issued by the defendant to the plaintiff.
Ex.A.11	23-01-2009	Remainder letter sent by the plaintiff to the defendant.
Ex.A.12 series	--	Remainder letters sent by the plaintiff to the defendant (5Nos) on various dates
Ex.A.13	05-12-2009	Copy of Legal notice issued by the plaintiff to the defendant
Ex.A.14	--	Postal Acknowledgment Card.
Ex.A.15	07-01-2010	TDS Certificate issued by the defendant to the plaintiff.
Ex.A.16	14-05-2010	Letter sent by the defendant to the plaintiff.

Sd/-R.SK
P.D.J,
CPT.