

Second Appeal No.670 of 2025

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WEB COPY

V.LAKSHMINARAYANAN.J.,

Following are the substantial questions of law involved in this case for entertaining this appeal and for further consideration.

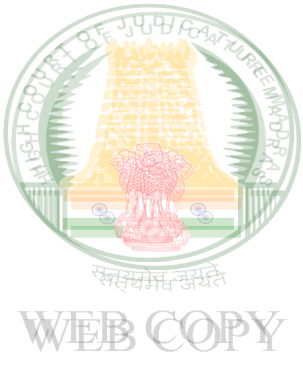
1. Whether both the courts below failed to exercise the discretion provided under the proviso to Order VIII Rule 5 of CPC, 1908 which empowers the court to require the plaintiff to prove facts even in the absence of a written statement, particularly when the plaint and Ex.A6/A7 show the defendant had denied liability?

2. Whether the lower Courts erred in awarding exorbitant interest unsupported by any contractual clause in Ex.A1 (Purchase Order) or other exhibits, contrary to Section 34 of CPC, 1908, which mandates awarding only reasonable interest in the absence of agreed contractual rates?

and

3. Whether the courts below committed an error in law by failing to consider that the debit note adjustment was not a unilateral action but was contemporaneously communicated and never

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rebutted, hence constituting a valid trade practice under Section 16(3) and 62 of the Sale of Goods Act, 1930?

Admit. Notice to the respondent.

03.10.2025

gpa/mp

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