SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Appellant Vs. Respondent

Appellant Vs. Respondent

SooperKanoon Citation : sooperkanoon.com/1061783

Court : Kolkata

Decided On : Oct-09-2012

Judge : Sanjib Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

CP 23.OF 201.

ORDER
SHEET IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE BEARDSELL POLYMERS PVT.LTD.AND THE INDIA TRADING Co.BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date :

9. h October, 2012.

Mr.A.Mitra, Adv.appeaRs.The Court : The company is not represented even at the second call.

the The company had not been represented after service of the petition and directions issued for petitioner to the company.

filing affidavits have been communicated by the An affidavit in such regard has been filed.

The claim of the petitioner is on account of price of goods sold and delivered.

The petitioner has relied on the primary documents relating to the transaction being the bills raised by the petitioner on the company.

bills refer to oral orders for delivery placed by the company.

The The company appears to have made part payments and finally made over a cheque dated March 22, 2012 for Rs.1,50,222/- in pro tanto discharge of its liability to the petitioner.

The petitioner says that such cheque was dishonoured upon presentation and due notice of dishonour has been issued to the company.

In the statutory notice of June 14, 2012, the petitioner claimed the sum of Rs.1,50,222/- relating to the dishonoured cheque and also sought interest at the rate of 24% per annum.

Despite due service of the notice on the company, the company did not reply thereto.

The company has not chosen to contest the proceedings and it is evident that the company is unable to pay its debts.

C.P.No.234 of 2012 is admitted for the principal sum of Rs.1,50,222/- together with interest thereon at the rate of 8% per annum from June 14, 2012 (the date of the statutory notice).If the company pays off the entire amount together with interest and costs assessed at 300 GM to the petitioner within four weeks from date, the petition will remain permanently stayed.

In default, the petition will be advertised in The Statesman and in Bartaman.

The advertisements should indicate that the matter will appear before the Court on the fiRs.available working day after the expiry of four weeks from the date of the publications being made.

Publication in the official gazette will stand dispensed with.

Urgent certified photocopies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(SANJIB BANERJEE, J.) tk

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com