
M. Ramalingam Vs Archies Ltd, A Company Incorporated Under The Companies Act, 1956, Having Its Registered Office At Plot No.191-F, Sector-4, Imt Manager, Gurgaon-122050 And Branch Office At C-113, Naraina Industrial Area, Phase-I, New Delhi-110028 Represented By Its Director

Civil Revision Petition No. 273 Of 2021 (SC)

Court: Karnataka High Court At Bengaluru

Date of Decision: May 29, 2023

Acts Referred:

Karnataka Small Cause Courts Act, 1964 " Section 18

Citation: (2023) 05 KAR CK 0040

Hon'ble Judges: H.P. Sandesh, J

Bench: Single Bench

Advocate: Jyothi S.K.

Final Decision: Dismissed

Judgement

H.P. Sandesh, J

1. This matter is listed for admission. Heard the learned counsel appearing for the petitioner.

2. This CRP is filed under Section 18 of the Small Causes Court Act against the judgment and decree dated 01.03.2021 passed in S.C.No.1725/2017

on the file of the XVI Additional Judge, Court of Small Causes, Bengaluru, dismissing the suit for recovery of money

3. The factual matrix of the case of the plaintiff before the Trial Court is that the suit was filed for the relief of claiming an amount of Rs.41,040/- with

interest at 18% per annum. The contention of the plaintiff is that the defendant took a contradictory view to that of the terms and conditions stipulated

in the above agreement, which were agreed between the plaintiff and the defendant. The defendant indulged in unilateral termination of the above

agreement. The defendant also indulged in withdrawing their agents and employees from the regular employment consequently disabling the super

stockiest from facilitating the defendant in recovering and realizing the payments with respect to the goods of the plaintiff. The defendant also indulged

in floating new terms and conditions for new super stockiest, thereby creating internal breakdown in the entire business activity carried out by the

plaintiff. It is contended that upon arriving at the final calculations of the outstanding due from the defendant to the plaintiff was an amount of

Rs.41,040/-. The defendant has also removed their staff, who were required to liquidate the stock from the plaintiff's premises. Hence, filed a suit.

4. In pursuance of the suit summons, the defendant appeared and filed the written statement contending that the suit is wholly false, frivolous and

vexatious, not based on any material and not disputed the fact that the plaintiff had been appointed as super stockiest by the defendant for its product

for designated area in southern region and the very claim itself is not tenable.

5. Having considered the pleadings of the parties, the Trial Court framed the issues. While answering issue No.2 with regard to the entitlement of

recovery of Rs.41,040/-, though the Trial Court came to the conclusion that issue No.1 has been proved, but point No.2 has not been proved. While

answering the same in paragraph No.17, the Trial Court has taken note of the material on record, particularly, there was a settlement between the

parties in C.C.No.1789/2018 and regarding the suit claim amount of Rs.41,040/-; no document has been placed before the Court, even with regard to

damages of goods, shortage of goods and other loss caused to the plaintiff. In the absence of the documentary evidence, the Court came to the

conclusion that not made out a case. Against the order, this Revision petition has been filed.

6. The main contention of the learned counsel appearing for the petitioner is that the Trial Court has committed an error in coming to the conclusion

that no document has been placed before the Court in order to substantiate their claim. The learned counsel also would submit that the tenor of the

evidence goes to show that the truth placed before the Court has been camouflaged and the respondent witness intended to distract the thought

process of the Court from the path of justice and truth towards irregularity, prejudice and unlawfulness. The very approach of the Trial Court is

erroneous.

7. Having heard the learned counsel for the petitioner and on perusal of the reasoning given by the Trial Court, the Trial Court has assigned the

reasons with regard to the claim of the plaintiff that no documents are placed in order to substantiate that there was a due to the tune of Rs.41,040/-

and also the plaintiff has not produced any documents with regard to damages of goods, shortage of goods and other loss caused to the plaintiff.

Having taken note of the said admission only given the finding and when such being the material available on record and the reasons are given while

passing the order, I do not find any merit in the Revision Petition. Hence, the Revision Petition is dismissed.