
(2000) 2 AD 560

Delhi High Court

Case No: Suit No. 2067/98

Burr Brown Advertising
Agency

APPELLANT

Vs

SPG Green Gold
Plantations Ltd.

RESPONDENT

Date of Decision: Feb. 3, 2000

Acts Referred:

Civil Procedure Code, 1908 (CPC) – Order 37 Rule 3

Citation: (2000) 2 AD 560

Hon'ble Judges: Mukul Mudgal, J

Bench: Single Bench

Advocate: Mr. Dinesh Garg, Advocat, for the Appellant;

Judgement

@JUDGMENTTAG-ORDER

Mukul Mudgal, J.

This is a suit on behalf of the plaintiff under Order xxxvII praying for recovery of Rs. 10,30,024.05/- along with

pendente lite interest.

2. There is no appearance on behalf of the defendant though the defendant has been served by affixation at its last known address and service by

publication as well as affixation at the notice board of this Court as per the report of the Joint Registrar dated 11th January, 2000. Office report

dated 20th January, 2000 has also indicated that no Memo of Appearance is filed on behalf of the plaintiff.

3. The suit arises from a claim by the plaintiff payable by the defendant for preparing and publishing advertisement for the various schemes of the

defendants in various newspapers and cheques totalling Rs. 8,93,050.41 as per the details given in Paragraph No. 8 of the plaint were issued by

the defendants and upon being presented for encashment dishonoured. A Regd. AD Notice was sent on 2.2.1998 calling upon the defendant to

pay and clear the outstanding along with interest @ 24% per annum and the notice was duly received by the defendant.

4. According to the provisions of Order xxxvii Rule 3, in default of the entering appearance, the allegations in the plaint shall be deemed to be

admitted and the plaintiff shall be entitled to a decree for a sum not exceeding the sum mentioned in the summons.

5. Accordingly, the plaintiff is entitled to a decree. The suit is decreed with costs as prayed. A decree is passed in favor of the plaintiff and against

the defendant in the sum of Rs. 10,30,024.05/- as principal amount with interest @ 24% per annum from the date of the filing of suit, i.e., 19th

September, 1998 till the date of decree and a further interest @ 12% per cent per annum from the date of decree till the date of realisation as this

suit arises from a commercial transaction.

6. The suit accordingly stands disposed of.