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Commercial claim suit for recovery of unpaid invoices





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Background:

A financial claim lawsuit was filed by the Plaintiff Foreign Company registered out of KSA (our client) against a Company (the Defendant) demanding the settlement of the outstanding debts for the value of auto parts supplied by our client to the Defendant.

Details:

We filed the lawsuit in the Commercial Court of Riyadh by submitting a memorandum of claim on behalf of our client against the Defendant. In our claim, we stated that our client had supplied the Defendant with goods (auto parts) that the Defendant had purchased and did not pay the value, as per the purchase invoices issued by our client and on which the Defendant had certified and confirmed with its official stamp.

The total value of the purchase was USD 175,205.20 (One Hundred Seventy-Five Thousand and Two Hundred and Five US dollar and Twenty Cent), as per the first invoice USD 57,633.20, dated 31/08/2016, and second Invoice to USD 117,542, dated 9/11/2016.

Despite having been served with a notice via Absher (govt.e-service), the Defendant failed to appear in the court.

The Honorable court circuit gave our client time to produce the original invoices and the evidence for the amount claimed.

We submitted the documents at the fixed hearing and pleaded the Honorable court to force the Defendant to pay the claim amount, based on the invoices and customs declaration issued by the Turkish government for each invoice separately in which the value of the merchandise and name of the Defendant had been given.

Court Ruling:

The circuit ordered the Defendant to pay as much as USD 175,205.20 (One Hundred Seventy Five Thousand and Two Hundred and Five US dollar and Twenty Cent).

The court has based its verdict on the following:

- 1- The original purchase invoice, which indicates that the Defendant had received its content by virtue of a customs declaration issued at the Jeddah Islamic Port, and the original purchase invoice, which shows that the Defendant had received its content by virtue of a customs declaration issued by the Turkish Customs Authority.
- 2- The Defendant's failure to turn up before the court in spite of being served with a summons via SMS through Absher service to appear, as per a statement of the same deposited in the case file.
- 3- The evidence that was produced by the Plaintiff was good enough to prove what it claims.

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