

Tokyo summary court 2013(ha)26828

Date of the judgment	3/27/2014
Case number	2013(ha)26828
Presiding Judge	Takao Shinoda Civil Chamber 3, Tokyo Summary Court
Title	Judgment concerning the case, which plaintiff bought real estate in Cambodia was organized fraud by defendants, and got compensation of damages.
Case name	Case to seek damages
Plaintiff	Woman who was 77 years old
Defendants	Universal Max Co., Ltd. FIRST Fudosan Co., Ltd. Yonezawa(Representative director of those company)
References	<p>【Article 709 of the Civil Code】 A person who has intentionally or negligently infringed any right of others, or legally protected interest of others, shall be liable to compensate any damages resulting in consequence.</p> <p>【Article 719 I of the Civil Code】If more than one person has inflicted damages on others by their joint tortious acts, each of them shall be jointly and severally liable to compensate for those damages. The same shall apply if it cannot be ascertained which of the joint tortfeasors inflicted the damages.</p> <p>【Article 429 I Companies Act】 If Officers, Etc. are with knowledge or grossly negligent in performing their duties, such Officers, Etc. shall be liable to a third party for damages arising as a result thereof.</p>
Main text of the decision	Defendants jointly and severally shall pay to the plaintiff the total of 220,000 yen and 5% to the same amount calculated from September 11, 2012 until completion of the payment herein.
Summary of the Reasons	Defendant Yonezawa was the representative director of both Defendant Universal Max and Defendant FIRST, and these two companies as well as AAP Cambodia have been virtually controlled by Konno. Defendant Universal Max, Defendant FIRST, and AAP Cambodia are printed jointly, signifying that they have been conducted illegal solicitation against Plaintiff, and swindled money from Plaintiff under the pretext of purchase money.
Appeal	No Appeal