

REPUBLICA DE COLOMBIA



RAMA JUDICIAL DEL PODER PÚBLICO
DISTRITO JUDICIAL DE SANTA MARTA

**JUZGADO UNICO CIVIL DEL CIRCUITO EL BANCO, MAGDALENA. -
Quince (15) de Noviembre del año dos mil veintitrés (2023). -**

Rad: 47-245-31-53-001-2023-00045-00- Tomo: X. - Folio: 396.-
Demandante: CARIBEMAR DE LA COSTA S.A.S. E.S.P.
Demandado: MUNICIPIO DE EL BANCO, MAGDALENA. -
Proceso: EJECUTIVO SINGULAR DE MAYOR CUANTIA. -

Visto el informe secretarial que antecede, se observa que viene procedente del Juzgado Primero Promiscuo Municipal de El Banco, Magdalena, por competencia a este juzgado el presente proceso ante la reforma de la demanda que alteró la cuantía de la misma, Proceso Ejecutivo Singular de Mayor Cuantía interpuesta por el Dr. EDUARDO JOSE DANGOND CULZAT, abogado titulado portador de la T.P. 54.926 expedida por el C.S. de la J, quien en ejercicio del poder que le ha sido conferido la Dra. MARIA CRISTINA MAESTRODOMENICO BENITEZ, quien funge como Apoderada General para Asuntos Judiciales y Administrativos para el Departamento del Magdalena, de **CARIBEMAR DE LA COSTA S.A.S. E.S.P.**, quien solicita se libre mandamiento de pago de la demanda Ejecutiva Singular de Mayor Cuantía, contra **EL MUNICIPIO DE EL BANCO, MAGDALENA**, representado legalmente por el **Dr. ROY GARCIA SANCHEZ o quien haga sus veces al momento de la notificación**, para el pago de la suma de **SETECIENTOS CUARENTA Y DOS MILLONES SEISCIENTOS DIECIOCHO MIL PESOS (\$742.618.000) M.L.**, representados en títulos valores - facturas, más los intereses corrientes y moratorios causados sobre todos y cada uno de los títulos valores (Facturas), desde la fecha del incumplimiento hasta cuando se satisfaga el pago de las mismas, más las costas y agencias en derecho, que se causen, facturas estas relacionadas a continuación:

NIC	FACTURA	EMISION	TOTAL
3805323	23201905001888	4/05/2019	\$2.315.780,00
3805323	23201906002133	5/06/2019	5.371.820,00
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3805323	23201908002196	5/08/2019	4.312.720,00
3805323	23201909002198	5/09/2019	4.711.060,00
3805323	23201910003174	5/10/2019	6.928.480,00
3805323	23201911002163	3/11/2019	5.027.240,00
3805323	23201912001518	4/12/2019	4.750.430,00
3805323	23202001002748	6/01/2020	4.813.260,00
3805323	23202002002797	5/02/2020	913.860,00
3805323	23202003002587	4/03/2020	3.059.090,00
3805323	23202004000101	1/04/2020	5.415.210,00
3805323	23202005002226	5/05/2020	3.456.820,00
3805323	23202006002910	7/06/2020	2.053.450,00
3805323	23202007002761	5/07/2020	2.361.460,00
3805323	23202008000925	2/08/2020	1.488.740,00
3805323	23202009002832	5/09/2020	1.437.400,00
3805323	23202010002709	6/10/2020	1.642.760,00

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3805323	23202012000055	3/12/2020	2.180.670,00
3805323	232021010000867	5/01/2021	2.052.310,00
3805323	23202102002661	4/02/2021	1.921.190,00
3805323	23202103002181	3/03/2021	\$2.577.620,00
3805323	232021040000846	4/04/2021	3.318.080,00
3805323	23202105000052	1/05/2021	2.839.250,00
3805323	23202106000064	1/06/2021	2.561.630,00
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3808419	23201907000566	5/07/2019	296.450,00
3808419	23201908002231	5/08/2019	240.130,00
3808419	23201909002233	5/09/2019	276.770,00
3808419	23201910003209	5/10/2019	461.580,00
3808419	23201911002198	3/11/2019	330.890,00
3808419	23201912001553	4/12/2019	410.570,00
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3808419	23202002002832	5/02/2020	37.970,00
3808419	23202003002622	4/03/2020	220.550,00
3808419	23202004000136	1/04/2020	367.800,00
3808419	23202005002261	5/05/2020	118.120,00
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3808419	23202007002796	5/07/2020	63.860,00
3808419	23202008000960	2/08/2020	45.310,00
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3808419	232021010000901	5/01/2021	177.680,00
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3808419	23202103002216	3/03/2021	66.200,00
3808419	232021040000881	4/04/2021	101.240,00
3808419	232021050000087	1/05/2021	10.640,00
3808419	232021060000100	1/06/2021	40.010,00
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3809178	23201906002148	5/06/2019	834.030,00
3809178	23201907000546	5/07/2019	831.950,00
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3809178	23201909002213	5/09/2019	897.060,00
3809178	23201910003189	5/10/2019	954.180,00
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3809178	23202010002726	6/10/2020	42.360,00
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3809178	23202012000072	3/12/2020	50.180,00

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3809178	23202104000863	4/04/2021	25.520,00
3809178	23202106000082	1/06/2021	20.680,00
3809290	23201906002163	5/06/2019	70.500,00
3809290	23201907000561	5/07/2019	42.470,00
3809290	23201907000562	5/07/2019	10.910,00
3809290	23201908002226	5/08/2019	55.770,00
3809290	23201909002228	5/09/2019	61.080,00
3809290	23201910003204	5/10/2019	68.160,00
3809290	23201911002193	3/11/2019	72.030,00
3809290	23201912001548	4/12/2019	82.890,00
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3809290	23202008000955	2/08/2020	64.240,00
3809290	23202009002862	5/09/2020	62.620,00
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3809290	23202102002690	4/02/2021	111.240,00
3809290	23202103002212	3/03/2021	90.340,00
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3809290	23202105000083	1/05/2021	100.560,00
3809290	23202106000096	1/06/2021	100.060,00
3809291	23201905001914	4/05/2019	2.399.260,00
3809291	23201906002159	5/06/2019	1.870.620,00
3809291	23201907000557	5/07/2019	2.196.720,00
3809291	23201908002222	5/08/2019	1.303.460,00
3809291	23201909002224	5/09/2019	2.058.530,00
3809291	23201910003200	5/10/2019	1.961.000,00
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3809291	23202003002613	4/03/2020	1.610.720,00
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3809291	23202006002936	7/06/2020	738.590,00
3809291	23202007002787	5/07/2020	1.500.030,00
3809291	23202008000951	2/08/2020	1.416.700,00
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3809291	23202101000893	5/01/2021	1.163.820,00
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3809292	23202007002782	5/07/2020	535.100,00
3809292	23202008000946	2/08/2020	604.730,00
3809292	23202009002853	5/09/2020	650.690,00
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3809450	23201907000564	5/07/2019	810.390,00
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3809450	23202012000090	3/12/2020	547.650,00
3809450	23202101000899	5/01/2021	578.770,00
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3809450	23202103002214	3/03/2021	459.290,00
3809450	23202104000879	4/04/2021	585.770,00
3809450	23202105000085	1/05/2021	465.980,00
3809450	23202106000098	1/06/2021	470.310,00
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3809774	23201907000548	5/07/2019	1.056.050,00
3809774	23201908002213	5/08/2019	737.660,00
3809774	23201909002215	5/09/2019	983.730,00
3809774	23201910003191	5/10/2019	917.100,00
3809774	23201911002180	3/11/2019	775.490,00
3809774	23201912001535	4/12/2019	969.570,00
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3809774	23202003002604	4/03/2020	562.300,00
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3809774	23202005002243	5/05/2020	929.360,00
3809774	23202006002927	7/06/2020	329.100,00

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3809774	23202101000884	5/01/2021	307.470,00
3809774	23202102002678	4/02/2021	26.390,00
3809774	23202103002200	3/03/2021	272.220,00
3809774	23202104000865	4/04/2021	271.390,00
3809774	23202105000071	1/05/2021	291.300,00
3809774	23202106000084	1/06/2021	298.920,00
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3809781	23201909002235	5/09/2019	223.870,00
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3809781	23201911002201	3/11/2019	115.950,00
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3809781	23202009002870	5/09/2020	\$134.760,00
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3809781	23202011000087	1/11/2020	191.890,00
3809781	23202012000095	3/12/2020	193.900,00
3809781	23202101000904	5/01/2021	138.280,00
3809781	23202102002697	4/02/2021	125.770,00
3809781	23202103002219	3/03/2021	139.620,00
3809781	23202104000884	4/04/2021	124.430,00
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3810280	23201905001929	4/05/2019	2.028.240,00
3810280	23201906002174	5/06/2019	1.932.060,00
3810280	23201907000572	5/07/2019	2.136.390,00
3810280	23201908002237	5/08/2019	1.605.530,00
3810280	23201909002239	5/09/2019	2.293.340,00
3810280	23201910003215	5/10/2019	1.744.210,00
3810280	23201911002205	3/11/2019	2.016.480,00
3810280	23201912001560	4/12/2019	2.134.330,00
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3810280	23202004000143	1/04/2020	1.508.000,00
3810280	23202005002268	5/05/2020	2.031.910,00
3810280	23202006002952	7/06/2020	1.013.270,00
3810280	23202007002803	5/07/2020	925.290,00
3810280	23202008000967	2/08/2020	646.010,00
3810280	23202009002874	5/09/2020	409.430,00
3810280	23202010002753	6/10/2020	291.350,00
3810280	23202011000091	1/11/2020	360.760,00
3810280	23202012000099	3/12/2020	805.640,00
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3810280	23202103002223	3/03/2021	123.340,00

3810280	23202104000888	4/04/2021	171.700,00
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3810339	23201907000533	5/07/2019	3.703.490,00
3810339	23201908002198	5/08/2019	4.486.730,00
3810339	23201909002200	5/09/2019	5.787.100,00
3810339	23201910003176	5/10/2019	5.434.920,00
3810339	23201911002165	3/11/2019	4.129.130,00
3810339	23201912001520	4/12/2019	2.945.270,00
3810339	23202001002750	6/01/2020	3.037.530,00
3810339	23202002002799	5/02/2020	1.919.100,00
3810339	23202003002589	4/03/2020	2.925.200,00
3810339	23202004000103	1/04/2020	3.860.840,00
3810339	23202005002228	5/05/2020	3.038.240,00
3810339	23202006002912	7/06/2020	2.053.440,00
3810339	23202007002763	5/07/2020	2.977.490,00
3810339	23202008000927	2/08/2020	2.310.120,00
3810339	23202009002834	5/09/2020	1.950.770,00
3810339	23202010002711	6/10/2020	2.053.440,00
3810339	23202011000049	1/11/2020	2.720.810,00
3810339	23202012000057	3/12/2020	3.419.700,00
3810339	23202101000869	5/01/2021	4.154.660,00
3810339	23202102002663	4/02/2021	2.932.330,00
3810339	23202103002183	3/03/2021	2.880.890,00
3810339	23202104000848	4/04/2021	3.369.120,00
3810339	23202105000054	1/05/2021	3.733.080,00
3810339	23202106000066	1/06/2021	3.148.680,00
3810339	23202107000066	1/07/2021	2.399.910,00
3811046	23201904002278	6/04/2019	7.136.670,00
3811046	23201809000368	13/09/2018	\$2.913.500,00
3811046	23201906002137	5/06/2019	7.316.420,00
3811046	23201907000535	5/07/2019	6.722.150,00
3811046	23201908002200	5/08/2019	6.759.080,00
3811046	23201909002202	5/09/2019	7.564.750,00
3811046	23201910003178	5/10/2019	7.752.940,00
3811046	23201911002167	3/11/2019	7.023.970,00
3811046	23201912001522	4/12/2019	5.795.540,00
3811046	23202001002752	6/01/2020	5.561.500,00
3811046	23202002002801	5/02/2020	2.193.260,00
3811046	23202003002591	4/03/2020	4.356.000,00
3811046	23202004000105	1/04/2020	6.167.310,00
3811046	23202005002230	5/05/2020	4.257.500,00
3811046	23202006002914	7/06/2020	4.260.890,00
3811046	23202007002765	5/07/2020	4.825.590,00
3811046	23202008000929	2/08/2020	4.517.570,00
3811046	23202009002836	5/09/2020	3.336.840,00
3811046	23202010002713	6/10/2020	3.798.870,00
3811046	23202011000051	1/11/2020	3.131.500,00
3811046	23202012000059	3/12/2020	3.122.320,00
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3811046	23202102002665	4/02/2021	2.173.970,00
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3811482	23202106000115	1/06/2021	15.370,00
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3811605	23201912001568	4/12/2019	715.750,00
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3811605	23202003002637	4/03/2020	587.090,00
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7970795	23202012000061	3/12/2020	462.050,00
7970795	23202102000803	2/02/2021	398.240,00
7970795	23202102000866	3/02/2021	453.790,00
7970795	23202103002187	3/03/2021	330.420,00
7970795	23202104000852	4/04/2021	333.740,00
7970795	23202105000058	1/05/2021	491.070,00
7970795	23202106000070	1/06/2021	448.600,00

TOTAL:

\$742.618.000,00

La demanda viene acompañada del poder para actuar, y los otros anexos que la acompañan, como certificados de existencia y representación legal de quien concurre como demandante, especialmente los títulos valores (Facturas), por prestación del servicio de energía eléctrica a cargo de la entidad demandada y en favor de la entidad demandante, reuniendo los requisitos previstos en el art. 82 y 422 y 430 del C. G. del P., por lo cual se ordenará librar mandamiento de pago por la suma de dinero y conceptos antes mencionados.

En mérito de lo señalado, éste Juzgado,

RESUELVE

1.- LIBRAR mandamiento de pago a favor de la empresa **CARIBEMAR DE LA COSTA S.A.S, E.S.P,** en contra de **EL MUNICIPIO DE EL BANCO - MAGDALENA**, representado por el **Dr. ROY GARCIA SANCHEZ**, o quien haga sus veces al momento de la notificación, por la suma de **SETECIENTOS CUARENTA Y DOS MILLONES SEISCIENTOS DIECIOCHO MIL PESOS (\$742.618.000, 00) M/CTE**, más los intereses corrientes y moratorios causados desde que se hicieron exigibles los títulos valores (facturas), hasta la cancelación total de las mismas, la cual deberá pagar la demandada dentro de los cinco (5) días siguientes a la notificación del presente proveído (Art. 431 del C.G. del P.).

2.- NOTIFIQUESE este proveído al demandado **MUNICIPIO DE EL BANCO, MAGDALENA**, representado legalmente por el **Dr. ROY GARCIA SANCHEZ y/o** quien haga sus veces al momento de la notificación, en la forma establecida

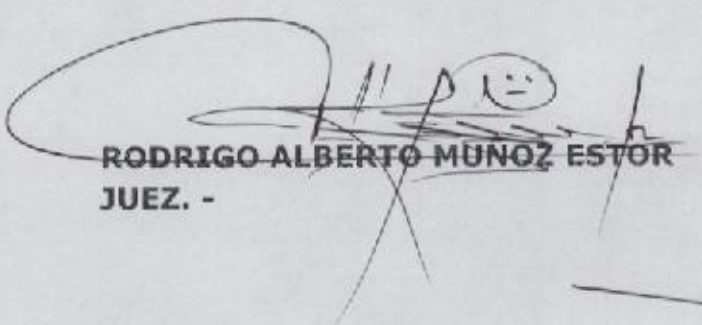
en el art. 290 y s.s del C.G. del P., y/o art 8º Ley 2213 de 2022 corriéndole traslado de la demanda por el término de ley.

3.- RECONOZCASE y téngase al Dr. EDUARDO JOSE DANDONG CULZAT, como apoderado judicial de **CARIBEMAR DE LA COSTA S.A.S., E.S.P.**, en los términos y para los efectos referenciadas en el memorial poder presentado.

4.-CONVALIDENSE, MANTENGASE y REITERESE las medidas cautelares decretadas en su momento por el Juzgado Primero Promiscuo Municipal de El Banco, Magdalena, pero limitando la cuantía a la suma de **MIL CIEN MILLONES DE PESOS (\$1.100.000.000,00)**.

5.- CONCEDASE a la parte ejecutante el término de treinta (30) días para que se sirva llevar a cabo la notificación del presente proveído al demandado, so pena de declararle el desistimiento tácito.

NOTIFIQUESE Y CUMPLASE



RODRIGO ALBERTO MUÑOZ ESTOR
JUEZ. -