

District – Bhagalpur (Kahalgaon)

**In the Court of Civil Judge Senior Division-Ist, Kahalgaon,
Bhagalpur**

Present- Akhilesh Kumar
Civil Judge Senior Division Ist
Kahalgaon, Bhagalpur

Dated: The 2nd day of April, 2026

Money Suit No. - 7 of 2023
Suit Value – Rupees 2,50,000/-

In the matter of -

1. Prabhawati Kumari W/O- Gopal Kumar Rajak

Resident of Village- Barahat, P.O.- Ishipur, P.S.-
Ishipur, District- Bhagalpur, Pin- 813206.

.....Plaintiff

Versus

1. D.M. Goswami S/O- Late Bhola Goswami

Resident of Village- Barahat, P.O.- Ishipur, P.S.-
Ishipur, District- Bhagalpur, Pin- 813206.

.....Defendant

Ld. Counsel for the Plaintiff – Shri Pravir Kumar & Shri Ram Kumar.

Ld. Counsel for the Defendant – None.

Ex-parte Judgment

1. This is a suit for realization of Rupees 2,50,000/- in favour of plaintiff against the defendant. The defendant has not appeared before the court and after satisfying the service of summons the court has directed ex-parte proceeding against the defendant vide order dated 19-03-2024. It appears from perusal of service report of summon, it was personally received by defendant D.M. Goswami.

2. Plaintiffs Case - The plaintiff and defendant are co-villagers and there had been good relationship in between them. The defendant had requested that, he want to purchase a motor vehicle (Ashok Leland Express Motor) for business purpose and for this he had need 2,50,000/- rupees and he assured the plaintiff that, if he gets aforesaid money from the plaintiff, the same would be return to the plaintiff within a few months. The plaintiff gave Rupees 2,50,000/- to the defendant in presence of few persons on 08-10-2019. After about 2 months the plaintiff demanded his aforesaid money from the defendant but the defendant did not returned back the aforesaid amount rather than he executed a Yaddastnama paper on 10-12-2019 to the effect on a E-stamp(non judicial) of Rupees 100/- to



make the plaintiff in his belief in presence of few persons namely Moti Pathik @ Kamar Sajid, Prashant Kumar Singh & Gopal Kumar Rajak who signed on E-stamp paper (Yaddastnama paper). On demand the aforesaid money many times the defendant has assured to the plaintiff on 01-04-2023 that, he would return the aforesaid amount by 30-06-2023 positively to the plaintiff but he did not returned back the aforesaid money. Pleader notice for demand has been send to the defendant by lawyer of plaintiff on 24-06-2023 but neither the defendant replied nor returned the aforesaid amount.

The plaintiff has filed a petition before Sub-Divisional Legal Services Committee, Civil Court, Kahalgaon on 24-07-2023 which was registered as case No. 04/2023. The defendant did not appeared before the Sub-Divisional Legal Services Committee, Kahalgaon but he has send a vague reply before the committee on 04-08-2023 in which he had denied and submitted that, he had not received any aforesaid money from the plaintiff. Thereafter, the plaintiff met to the defendant and requested him on 04-09-2023 to return back the aforesaid amount but the defendant refused. It has been submitted that, the money transaction was made in the village Barahat, P.O.- Ishipur, P.S.-Ishipur(Pirpainty), Sub-division Kahalagon, District-Bhagalpur. The cause of action arise on 24-06-2023 when pleader notice was sent to the defendant requesting to return back the aforesaid money to the plaintiff and also on 24-07-2023, when the plaintiff filed a petition before the chairman Sub-divisional Legal Services Committee, Kahalgaon and on 24-09-2023 when the defendant refused to return the aforesaid amount and since then day to day thereafter.

The plaintiff has seek following reliefs:

- (1). The court be pleased to pass a money decree of Rupees 2,50,000 in favour of the plaintiff against the defendant with interest of 12 % per anum in its realization.
- (2). After aforesaid adjudication the court be pleased to grant a reasonable period to the defendant to pay the decreetal amount to the plaintiff and in case of failure of the defendant the same be done through the process of court at the cost of the plaintiff from the movable and immovable properties of the defendant.
- (3). Cost of the suit be awarded to the plaintiff.
- (4). Such other relief or reliefs which the court thinks fit and proper be granted to the plaintiff.

3. Plaintiffs Evidence (Oral Evidence) -

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|-----|--------|--------------------------------|
| (1) | P.W. 1 | Prabhawati Kumari (Plaintiff) |
| (2) | P.W. 2 | Gopal Kumar Rajak |
| (3) | P.W. 3 | Prashant Kumar Singh |
| (4) | P.W. 4 | Moti Pathik @ Kamar Sajid |

Documentary Evidence-

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| (1) | Exhibit-1 | Yaddastnama |
| (2) | Exhibit-2 | Demand notice dated 24-06-2023. |
| (3) | Exhibit-2/a | Postal receipt as proof of sending the demand notice dated 24-06-2023. |
| (4) | Exhibit-3 | Certified copy of petition given by plaintiff Prabhawati Kumari before Sub-Divisional Legal Services Committee, Kahalgaon dated 24-07-2023. |
| (5) | Exhibit-4 | Certified copy of notice dated 28-07-2023 send to defendant D.M. Goswami by Sub- |



- Divisional Legal Services Committee,
Kahalgaon for his appearance in pre
litigation case No. 4 of 2023.
- (6) Exhibit-4/a Certified copy of notice dated 14-08-2023
send to defendant D.M. Goswami by Sub-
Divisional Legal Services Committee,
Kahalgaon for his appearance in pre
litigation case No. 4 of 2023.
- (7) Exhibit-5 Application/Reply of defendant D.M.
Goswami in pre litigation case No. 4 of
2023.

Finding

4. This is a suit for realization of Rupees 2,50,000/- filed by plaintiff against the defendant. The plaintiff has adduced 4 witnesses and the plaintiff herself has examined as P.W. 1. The plaintiff as P.W. 1 has supported the fact of the plaintiffs story in her examination in chief filed on affidavit that, the plaintiff and defendant both are resident of Village-Barahat. It has been supported by the plaintiff that, the defendant had demanded Rupees 2,50,000/- to purchase Ashok Leyland Express Motor Vehicle and the plaintiff had paid the requested money on 08-10-2019 to the defendant in presence of witnesses. When the plaintiff demanded money back, the defendant had not returned the money and prepared a Yaddastnama on 10-12-2019 before some witnesses on a paper of 100/- Rupees non judicial stamp. The plaintiff had sent legal notice to defendant on 24-06-2023 and on received it neither he had replied nor returned back the money. After that, the plaintiff has filed an application before the chairman Sub-divisional Legal Services Committee, Civil Court Kahalgaon to resolve the issue which was registered as case No. 04/2023. The defendant appeared before the Sub-divisional Legal Services Committee, Civil Court Kahalgaon but he had clearly denied and said that he had not taken any money from the plaintiff. Finally having no option, the plaintiff had filed this suit. The plaintiff has adduced Yaddastnama paper and she has identified her signature and the Yaddastnama was marked as Exhibit 1. The pleader Notice and Postal Receipt was marked as Exhibit 2 and 2/a on identification of this witness. The P.W. 2 is Gopal Kumar Rajak this witness is husband of the plaintiff Prabhawati Kumari. This witness has supported the plaintiffs story in short in his deposition. This witness is also a witness of Yaddastnama which is Exhibit 1 of the plaintiff. P.W. 3 is Prashant Kumar Singh. This witness has also supported the plaintiffs story in his deposition. This witnesses is also a witness of Yaddastnama and he has also make his signature on the Yaddastnama which is Exhibit 1. P.W. 4 is Moti Pathik. This witness has supported the plaintiffs story in short in his deposition and also supported that, the Yaddastnama was prepared before him and he has make his signature on the Yaddastnama. On perusal of Yaddastnama prepared on non judicial E-stamp paper of Rupees 100/-. In this Yaddastnama the plaintiff and defendant both have made their signatures and was prepared on 10-12-2019. In this Yaddastnama the defendant D.M. Goswami has accepted that, he has taken help from Prabhawati Kumari to purchase a vehicle on 08-10-2019 and taken Rupees 2,50,000/- and he has assured that, he shall returned back the money soon and if he failed to return the money, the Prabhawati Kumari will be free to take necessary proper legal actions. This document was prepared on 10-12-2019. On 01-04-2023 again on the same document the defendant D.M. Goswami has added that, he assured that the borrowed money Rupees 2,50,000/- shall be returned till 30-06-2023. Exhibit 2 is legal-cum-demand notice sent by Ld. Counsel for the plaintiff to the defendant on 24-06-2023 in which the Ld. Counsel for the plaintiff has asked for return of the money.



5. On perusal of the pleadings of the plaintiff, evidences adduced oral as well as documentary it is clear by the Exhibit 1 which is Yaddastnama that, the plaintiff has given Rupees 2,50,000/- to the defendant to purchase desired vehicle which has not been returned by the defendant within time and therefore, the plaintiff has no option but file this suit. The plaintiffs witnesses P.W. 2, P.W. 3 & P.W. 4 have supported and stated in their deposition that, the money was given by plaintiff Prabhawati Kumari to defendant in their presence. On 08-10-2019, these witnesses are also witnesses of the Yaddastnama dated 10-12-2019 and these witnesses have make their signatures on Yaddastnama which is Exhibit 1. It is clear by evidences that, on 08-10-2019 the plaintiff has given Rupees 2,50,000/- to defendant to purchase a motor vehicle. The purpose of debt was lawful and when the defendant was avoiding to return the debt then after taking some efforts the plaintiff has filed this law suit for recovery of money Rupees 2,50,000/-. Plaintiff has a valid cause of action and right to sue.

6. It is therefore,

ORDERED

That the suit be and the same is decreed Ex-parte without cost in favour of plaintiff.

The defendant is directed to pay Rupees 2,50,000/- with 6% compound interest per anum within 3 months from this order. The interest shall be calculated from the date of receive of money that is 08-10-2019 till the day of payment by the defendant to the plaintiff. If the defendant did not complied this order within stipulated time, the plaintiff will be at liberty to go for execution proceeding to get the decree executed.

Decree shall be drawn accordingly.



Dictated and corrected by me

Akhilesh Kumar

Civil Judge Senior Division- Ist,
Kahalgaon, Bhagalpur.

Dated- the 2nd day of April, 2026

Judgment pronounced and signed by me in open court.



Akhilesh Kumar

(AKHILESH KUMAR)

Civil Judge Senior Division- Ist,
Kahalgaon, Bhagalpur.

Dated- the 2nd day of April, 2026

Date of Judgment Reserved - 18.03.2026
Date of Judgment - 02.04.2026
Date of Uploading - 09.04.2026
Uploaded by - Pankaj Kumar Saw
(Steno)