

**IN THE COURT OF THE I ADDITIONAL SUBORDINATE JUDGE,
VILLUPURAM.**

**PRESENT : Thiru. A. Tamilselvan, M.L.,
I Additional Subordinate Judge, Villupuram.**

Tuesday the 16th day of April 2024

O.S. No.244/2023

(CNR No.TNVP02-001637-2022)

Muthamizh

.....

Plaintiff

//Vs//

1. Paramasivam

2. Devi

.....

Defendants

This suit is filed on 10.10.2022, 23.02.2023, 16.03.2023, 05.04.2023 and taken on file on 05.04.2023 and coming on 04.04.2024 for final hearing before me in the presence of Thiru.S.Sivakumar, Counsel for plaintiff and after service of summon, the defendants appeared through Advocate and then they called absent and set exparte and heard the plaintiff's side and upon perusing the case records and stood over for consideration till this date before this Court, this court delivers the following.....

JUDGMENT

This is the suit for recovery of money to pass a decree and judgment in favour of plaintiff by directing the defendants to pay a sum of Rs.4,07,605/- and the principal amount of Rs.3,00,000/- with subsequent interest 12% p.a. from the date of filing the suit to till realization and directing the defendant to pay the cost of the suit.

2. The plaint averments in brief is as follows:-

The defendants has borrowed a sum of Rs.3,00,000/- for their family expense from the plaintiff on 15.10.2019 and also the defendants agreeing to repay the same on demand together with interest at 12% in either to the plaintiff or his order and the defendants agreeing above said averments and then executes the promissory note in favour of the plaintiff and he made repeated demands to the defendants but the defendants did not pay any amount and the plaintiff sent legal notice through his advocate on 16.08.2022 and the same was received by the 1st defendant on 24.08.2022 and the 2nd defendant notice was returned as unclaimed return to sender and meanwhile the plaintiff was sent a rejoinder notice to defendants on 21.09.2022 regarding the date of the pronote that was returned by the defendants on 28.09.2022 and in the circumstance the plaintiff obliged to file this suit for realization suit promissory note amount with subsequent interest and the defendants are not an agriculturist so the plaintiff claimed interest at 12% p.a.

3. After service of summon, the defendants appeared through Advocate and then they called absent and set exparte on 10.01.2024 without filing of Written statement.

4. On the side of the plaintiff, the plaintiff is examined as PW1 and marked the Exhibit A1 to A6. No further plaintiff side witness is examined. The plaintiff side evidence is closed. Plaintiff side argument is heard. Available case records are perused.

5. Point for Determination:-

The point for determination of this suit is as follows

1.	Whether the suit is liable to be decreed against the defendants for the suit amount?
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6. On the point No.1:-

The learned counsel for the plaintiff would submit that the defendant borrowed a principal sum of Rs.3,00,000/- from the plaintiff, by duly executing the demand suit promissory note, agreeing to repay the debt but the defendants were failed to pay any amount towards the principal or interest inspite of repeated personal reminders made by plaintiff and through legal notice but the defendants failed to comply with the demand to discharge the promissory note debt, by repaying the amount due from it and the plaintiff proved his case through the evidence of PW1 and Ex.A1 to Ex.A6 and so the suit may be decreed with cost.

7. This Court is carefully considered the submission of plaintiff side and available case records.

8. The plaintiff/PW1 deposed in support of the plaint. The defendants were called absent and remained as exparte without filing of written statement. The evidence of PW1 was not cross examined by the defendant.

9. The plaintiff in order to substantiate his case has examined himself as PW1 and marked Ex.A1 to Ex.A6. Ex.A1 is the demand Promissory note dated 15.10.2019 executed by the defendant for Rs.3,00,000/-, Ex.A2 is the Office copy of legal notice issued by plaintiff counsel to the defendants dated 16.08.2022, Ex.A3 is the Postal acknowledgment card of the defendant no.2, Ex.A4 is the Returned postal cover of the defendant no.1 dated 24.08.2022, Ex.A5 is the rejoinder notice issued by the plaintiff to the defendants dated 21.09.2022, Ex.A6 is the returned postal covers of the defendants dated 28.09.2022.

10. The defendants have not disputed the Ex.A1 to Ex.A6 but they were remained as exparte and they have not filed the written statement and they have not

cross examined the PW1 So the plaintiff proved this case against the defendants.

11. The evidence of PW1 coupled with Ex.A1 to Ex.A6 shows the claim of the plaintiff and there is nothing on record to disprove the claim of the plaintiff. In view of the above it is made clear that the plaintiff is entitled to the recovery of suit claim amount along with interest as prayed for.

12. For above all reasons, the argument of the plaintiff side is accepted and this Court is find that this suit is liable to be decreed by passing decree for recovery of suit amount with subsequent interest and cost against the defendants. The plaintiff is entitled to get the decree for the suit amount of Rs.4,07,605/- against the defendants together with subsequent interest at the rate of 9% p.a for the principal amount of Rs.3,00,000/- from the date of suit to the date of decree and further interest at the rate of 6% p.a. for the principal amount of Rs.3,00,000/- after the date of decree to till the date of realization.

In the result, suit is decreed with cost against the defendants. The defendants are directed to pay the suit amount of Rs.4,07,605/- together with subsequent interest at the rate of 9% p.a for the principal amount of Rs.3,00,000/- from the date of suit to the date of decree and further interest at the rate of 6% p.a. for the principal amount of Rs.3,00,000/- after the date of decree to till the date of realization. Time for payment is two months.

Dictated to the Steno-typist, directly and typed on the computer, corrected, print out was taken and pronounced by me in Open Court, on this the 16th day of April 2024.

Sd/-A.Tamilselvan,
I Additional Subordinate Judge,
Villupuram.

Enclosure:-**List Of Plaintiff's Witness:-**

PW1 - Thiru. Muththamizh (Plaintiff)

List Of Plaintiff's Exhibits:-

Ex.A1	15.10.2019	Demand Promissory note executed by the defendant for Rs.3,00,000/- (Original)
Ex.A2	16.08.2022	Office copy of legal notice issued by plaintiff counsel to the defendant (Original)
Ex.A3	-	Postal acknowledgment card of the defendant no.2 (Original)
Ex.A4	24.08.2022	Returned postal cover of the defendant no.1 (Original)
Ex.A5	21.09.2022	Rejoinder notice issued by the plaintiff to the defendants (Original)
Ex.A6	28.09.2022	Returned postal covers of the defendants (Original)

List Of Defendant's Side Witness & Exhibit:-

(NIL)

Sd/-A.Tamilselvan,
I Additional Subordinate Judge,
Villupuram.