



IN THE COURT OF SUBORDINATE JUDGE, DHARAPURAM.

PRESENT: Sri.M.DHARMAPRABU, M.A., M.L.,

Subordinate Judge, Dharapuram

Wednesday, the 22nd day of November, 2023

O.S. No.393 / 2023

State Bank of India, Dharapuram Branch,
Rep by its Chief Manager

... Plaintiff

Vs.

1. T. Vijay Anand
2. Dhanalakshmi

... Defendants

The suit having been heard today in the presence of Shri.K. Sasikumar, Counsel for the Plaintiff and the defendants having remained *exparte*, and upon hearing the Counsel for the Plaintiff and the matter having stood over for my consideration till this day, I delivered the following

J U D G M E N T

The suit is filed for recovery of money Rs.3,48,968/- with interests.

2. The crux of the plaint is as follows:-

The 1st defendant along with his mother of the 2nd defendant, approached the plaintiff bank for educational loan and submitted an application on 10.12.2011. A loan of Rs.1,83,000/- was sanctioned on 10.12.2011 and both the defendants agreed to the terms and conditions of the loan. The defendants have executed required documents and executed an agreement for education loan on 10.12.2011. The defendants agreed to repay



the loan amount along with interest at the rate of 13.75 % per annum with monthly rests. The defendants had executed two revival letters on 05.12.2016, 13.11.2019 and the 2nd defendant had executed a revival letter on 26.10.2021. When the Plaintiff demanded for repayment, the Defendants did not repay. Hence, the suit. On 22.05.2023, the plaintiff issued a notice which was received by the defendants on 25.05.2023. In spite of the demands by the plaintiff, the defendants did not repay the money. Hence, the suit.

3. Defendants remained set *exparte*.

4. The point for consideration is as to whether the plaintiff is entitled for recovery of the money as prayed for.

5. To prove the case of the plaintiff, the Bank Manager was examined as PW1 and he filed proof affidavit reiterating the averments of the plaint and produced Ex.A1 to Ex.A9.

6. I have heard the learned counsel for the plaintiff and perused the records.

7. The Plaintiff filed the suit for recovery of money. The plaintiff has produced the Ex.A1 to A9 to show the loan availed by the defendant. The PW1 reiterated the averments of the Plaint. The above oral evidence of the plaintiff supported by the documentary evidence would show that the



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defendants has availed the loan from the plaintiff-Bank. The undisputed pleadings of the plaintiff and the evidence of the plaintiff would make this court to believe the entire case of the plaintiff. There are no materials to discredit and discard the case of the plaintiff. Accordingly, I hold that the plaintiff is entitled for recovery of money.

8. Insofar as the interest is concerned, though the plaintiff demanded for 12% per annum, considering the nature of the transactions, this court awards a simple interest at a rate of 6 % per annum from the date of the suit on the suit amount till realization.

9. In fine, the suit is decreed with Costs directing the Defendants jointly and severally to repay Rs.3,48,968/- with Simple interest at a rate of 6% per annum on the principal sum of Rs. 1,83,000/- throughout from the date of the suit till realization.

Dictated to Steno - Typist, dictated by her and corrected by me in my Laptop and pronounced by me in the Open Court on this the 22nd day of November, 2023.

SUBORDINATE JUDGE,
DHARAPURAM

APPENDIX

Plaintiff's side Witnesses:-

1. PW1 - Devendran (Bank Manager)

Plaintiff's Side Exhibits:-



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1. 10.12.2011 : Agreement for term loan under educational loan scheme (A/c. No. 32086109126) Rs.1,83,000/-
2. 10.12.2011 : Agreement Letter (A/c. No. 32086109126) Rs.1,83,000/-
3. 05.12.2016 : Revival Letter executed by the both defendants (A/c. No. 32086109126) Rs.1,83,000/-
4. 13.11.2019 : Revival Letter executed by the both defendants (A/c. No. 32086109126) Rs.1,83,000/-
5. 26.10.2021 : Revival Letter executed by 2nd defendant (A/c. No. 32086109126) Rs.1,83,000/-
6. 22.05.2023 : Office copies of Lawyer notice sent to both defendants
7. 25.05.2023 : Return Cover of 1st defendant
8. 25.05.2023 : Return Cover of 2nd defendant
9. 15.12.2011 : Copy of the Statement of Account (A/c. No. 32086109126)
to
29.04.2023

SUBORDINATE JUDGE,
DHARAPURAM.