

IN THE COURT OF THE JUNIOR CIVIL JUDGE :: MOVVA

Present : Sri P.RAJAN UDAY PRAKASH,
Junior Civil Judge, Movva.

Monday, this the 23rd day of January, 2022

O.S.No. 169/2022

Kumba Subba Rao, s/o Ramaiah, Hindu,
age 56 years, r/o D.No.1-82, S.T.Colony,
near Fire Station, Movva village and Mandal,
Krishna District.

... Plaintiff

VS.

Kumba Naga Baji, s/o Manga Rao, Hindu,
age 34 years, r/o ST colony, near Fire Station,
Movva village and Mandal, Krishna District.

... Defendant

-oo00oo-

This suit came before me on 19-01-2023 for final hearing in the presence of Sri Ch.Venkateswara Rao, learned counsel for the plaintiff and the defendant having been called absent, set *ex parte*, and having stood over for consideration till this day, this court delivered the following :-

// JUDGMENT //

1. This is a suit filed for recovery of an amount of Rs.3,36,000/- (Rupees three lakh thirty six thousand only) due on the foot of a promissory note dated 05-02-2020 for Rs.2,00,000/- and for costs of the suit.

2. The averments of the plaint are that :

The defendant borrowed a sum of Rs.2,00,000/- from the plaintiff on 05-02-2020 and executed a promissory note on the same date agreeing to repay the same together with interest at the rate of 24% per annum either to the plaintiff or to his order on demand. Despite several oral demands and issuance of legal notice dated 14-11-2022, the defendant did not discharge the amount due

under the promissory note. Therefore, the plaintiff filed the suit.

3. After receipt of summons, the defendant was called absent. There was no representation for him either. The service of summons was held sufficient. Hence the defendant was set *ex parte*.

4. Though the defendant was set *ex parte*, the plaintiff must prove his own case.

5. The point for consideration is :

Whether the plaintiff is entitled to recover the amount of Rs.3,36,000/- from the defendant ??

6. To substantiate his contention, the plaintiff himself was examined as PW-1. Exs.A1 to A3 were marked on behalf of the plaintiff. **Ex.A1** is the original promissory note, dated 05-02-2020 executed by the defendant in favour of the plaintiff for an amount of Rs.2,00,000/-. **Ex.A2** is the office copy of the legal notice dated 14-11-2022 issued by the plaintiff to the defendant. **Ex.A3** is the postal acknowledgment, dated 17-11-2022. It is settled law that the plaintiff must prove his case on his own without depending upon the vulnerability or weakness of the defendant. Either to rebut the contention of the plaintiff or to put forth his own contention, the defendant has not appeared before this Court either in person or through his representative. For reasons unknown or best known to him, the defendant has not appeared before this Court. The plaintiff, with the help of his oral testimony coupled with the documentary evidence i.e., Exs.A1 to A3, has established his case without preying upon the absence of the defendant. In such a case, this Court is inclined to hold the version of the plaintiff to be true and to accept the unchallenged testimony of the plaintiff as true and

correct. This point is answered in favour of the plaintiff.

7. In the result, the suit is decreed with costs for Rs.3,36,000/- (Rupees three lakh thirty six thousand only) with subsequent interest at the rate of 12% p.a. from the date of suit till the date of decree and thereafter at the rate of 6% p.a. from the date of decree till the date of realization on the principal amount of Rs.2,00,000/-.

Typed to my dictation by the Personal Assistant, corrected and pronounced by me in the Open Court, on this the 23rd day of January, 2023.

sd/-
**JUNIOR CIVIL JUDGE,
MOVVA.**

// Appendix of Evidence //
Witnesses examined

For plaintiff:-

PW-1: Kumba Subba Rao.

For defendant:-

-- *Ex parte*--

EXHIBITS MARKED

For plaintiff:-

Ex.A1 : Original promissory note, dated 05-02-2020 executed by the defendant in favour of the plaintiff for an amount of Rs.2,00,000/-.

Ex.A2 : Office copy of the legal notice dated 14-11-2022 issued by the plaintiff to the defendant.

Ex.A3 : Postal acknowledgment, dated 17-11-2022.

For defendant:- NIL.

Sd/-
**J.C.J.,
MOVVA.**

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