

IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE, DHONE**PRESENT: Mr. PATTAN SHIYAZ KHAN***Principal Junior Civil Judge*Friday, the 10th day of March, 2023**Original Suit.No.635 of 2022****BETWEEN:**

B.Thirupalu, 40 years, S/o B.Subbaiah, Hindu, Business cum cultivation,
R/o Indira Nagar, Dhone, Nandyal District.

... Plaintiff**-AND-**

1. Dudeku Sarmasbee @ Saranbee, 50 years, W/o Dudeku Moulali, Business.
 2. Dudeku Masthan Vali, 26 years, S/o D.Moulali, Construction Business.
 3. Dudeku Masum Vali @ Masum, 23 years, S/o D.Moulali, construction business.
- All are Muslims, R/o H.No.21-17-3-4, beside water plant, Kondapeta, Dhone, Nandyal District.

... Defendants**Present:**

For Plaintiff : *Sri Kotla Yogananda Reddy and Sri Kotla Ravindranatha Reddy, Advocates*

For Defendant : *Remained exparte*

J U D G M E N T

This suit filed by plaintiff for recovery of an amount of Rs.1,50,000/- together with subsequent interest at 24% per annum on the principal amount of Rs.1,00,000/- due under promissory note, dated.20.11.2020 and for costs.

Plaint Pleadings In Brief:

On 20.11.2020, the defendants jointly borrowed an amount of Rs.1,00,000/- for their necessities and family expenses agreeing to repay the same on demand with interest at 24% per annum and executed promissory note in favour of the plaintiff. Subsequently, the plaintiff demanded for repayment of the amount due under promissory note but the defendants did not pay anything. The defendants are not an agriculturist by profession and hence they are not entitled for benefit under A.P.Agriculturist Relief Act 4 of 1938 and Act 45 of 1987. Hence, the plaintiff was constrained to file the suit.

3.) Summons served to the defendants. On 24.01.2023, the defendants did not appear and did not make their representation either in physical or virtual mode as such on 24.01.2023, the defendants were set exparte.

4.) In support of the suit claim, the plaintiff examined himself as P.W.1 on his behalf and get marked Ex.A1.

5.) Heard the Counsel for plaintiff.

6.) *Now, the point for consideration is “whether the plaintiff is entitled to recover the suit amount from the defendant as prayed for?”*

POINT:

7.) In order to establish the case, plaintiff get examined as P.W.1 and get marked Ex.A1. PW.1 in the deposition reiterated the same averments as in the plaint. As the defendant has remained ex-parte, it can be said that the evidence of PW1 has remained unchallenged and said to be trustworthy. It would be relevant to refer to the document relied upon by the plaintiff under Ex.A1. Ex.A1 is original promissory note, dt.20.11.2020 for Rs.1,00,000/-. Since, the defendant has remained ex-parte an inference can be drawn that defendant has admitted the case of the plaintiff.

8.) Therefore, by virtue of consistent and undiscredited evidence of PW1, coupled with Ex.A1 and the failure of the defendant to discard the same, this Court concludes that the plaintiff has established his case under the suit promissory note Ex.A1. As such, the plaintiff is entitled for the suit claim as prayed for. Hence, the point is answered in favour of the plaintiff.

In the result, the suit is decreed with costs directing the defendants to pay Rs.1,50,000/- with future interest @ 12% per annum from the date of suit till the date of decree on Rs.1,50,000/- and at 6% per annum from the date of decree till the date of realization on the principal amount of Rs.1,00,000/-.

Typed to dictation to the Stenographer on computer, corrected and pronounced by me in open court on this the 10th day of March, 2023.

**Principal Junior Civil Judge
Dhone**

APPENDIX OF EVIDENCE

Witnesses Examined

For Plaintiff:

PW1: B.Thirupalu

For Defendant:

Nil

EXHIBITS MARKED:

For Plaintiff:

Ex.A1 : original promissory note, dt.20.11.2020 for Rs.1,00,000/-

For Defendant: Nil.

**Prl.Junior Civil Judge
Dhone**