

IN THE COURT OF THE MUNSIFF OF TALIPARAMBA

Present: Smt. Athulya. A, Munsiff
Wednesday, the 26th day of June, 2024
(5th day of Ashadha, 1946)

ORIGINAL SUIT No. 579 OF 2021

Canara Bank, Taliparamba Branch, Represented by its)
Senior Manager and Principal Officer, Taliparamba (PO),) Plaintiff
Taliparamba Village, Kannur District, Pin- 670141.)

Vs.

Preyasan Manoli, aged 45 years, S/o. Achuthan, Proprietor,)
M/s. Super Store Super Market, CP XII-BCDE, Methuramba,)
Nadukani, Chapparappadavu. P.O. 670581, Residing at) Defendant
Manoli House, Oduvally, Chapparappadavu. (PO),)
Kooveri Village, Taliparamba Taluk – 670581.)

This Suit coming on the 20th day of June, 2024 for final hearing before me in the presence of Manoj PB and PP. Aravindakshan, Advocates for the plaintiff; defendant is being called absent set exparte and having stood over to this day for consideration and court delivered the following:

J U D G M E N T

The suit is for the realization of money.

2. Plaint averments, in brief, are as follows:- The Canara bank, Taliparamba, represented by its Manager is the plaintiff in this case. The defendant availed a loan of ₹5,00,000/- from the plaintiff by executing an agreement. As per the agreement, the loan amount had to be repaid in 36 equal

monthly installments. However, the defendant failed to pay the amount as agreed, which led to the plaintiff issuing a lawyer's notice to him on 23.08.2021. The lawyer notice was returned with an endorsement "addressee left India". Now the defendant is now liable to pay an amount of ₹5,64,840/- with interest, leading to this suit.

3. Since summons to the defendant was not practicable in the ordinary process, substituted service was ordered and effected and the summons deemed served, called absent and on 04.07.2023, the petition is proceeded ex parte against him.

4. The Manager of the plaintiff bank was examined as PW1 and Exts.A1 to A6 are marked. Ext.A7 marked subject to proof since it is a computer generated printout and not accompanied by a certificate as per Sec.65B of Banker's Book Evidence Act. Subsequently the aforesaid certificate was produced to prove Ext.A7 and the same is received in evidence and marked as Ext.A8 and thus Ext.A7 is proved.

5. Heard.

6. PW1 filed an affidavit in lieu of examination in chief by reiterating the contentions in the plaint. Ext.A1 would show that the defendant availed an amount of ₹5,00,000/- from the plaintiff. Ext.A3 is the pronote executed

by the defendant in favour of the plaintiff. Ext.A4 is the office copy of lawyer's notice issued by the counsel for the plaintiff in favour of the defendant. Ext.A6 is the returned postal articles with an endorsement "addressee left India". Ext.A7 is the computerised statement of account maintained by the plaintiff for the period from 01.01.2018 to 04.12.2021, which would show that an amount of ₹5,63,630.35/- is due to the plaintiff as on 30.11.2021. The oral testimony of PW1 together with the documentary evidence would prove the case of the plaintiff. Hence, the plaintiff is entitled to get a decree as prayed for.

In the result, the suit is decreed with costs as follows:

The defendant do pay to the plaintiff an amount of ₹5,64,840/- (Rupees Five lakhs sixty four thousand eight hundred and forty only) together with interest @ 9% per annum from the date of the suit till its realization and costs.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court this the 26th day of June 2024)

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Plaintiff's Exhibits:-

A1	27-12-2018	Sanction Memorandum From Canara Bank, Branch SME, Kannur. To Super store Super Market.
A2	27-12-2018	Agreement executed by Super Store Super Market, rep. By its Preyasan Manoli in favour of Canara Bank.
A3	27-12-2018	Pronote executed by Proprietor Super Store Super Market in favour of Canara Bank.
A4	23-08-2021	Lawyer notice issued by Manoj PB, Advocate to Preyasan Manoli.
A5	24-08-2021	Postal receipt.
A6	25-09-2021	Undelivered postal cover with Acknowledgment.
A7	--	Account statement. (Subject to proof)
A8	30-03-2024	Certificate by the Branch in Charge.

Plaintiff's Witness:-

PW1 : Premaraj. P

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