

IN THE COURT OF THE MUNSIFF, PERUMBAVOOR

Present:- Sri. Atheek Rahman, Munsiff

Monday, the 13th day of December, 2021/ 22nd Agrahayana, 1943.

O.S.No.85/2020

Plaintiff:-

N C Thomas, Aged 56 years, S/o. Cherian,
Nangelimalil House, Pulluvazhi Kara,
Rayamangalam Village, Kunnathunadu Taluk.

By Advs. K M Alias & P V Shiji

Defendant:-

Benny George, aged 53 years, S/o. George,
Pazhayaveettil, Koothattukulam Kara,
Koothattukulam Village, Muvattupuzha Taluk.

Exparte

This suit having been finally heard on 13/12/2021 and the court on the same day delivered the following:-

J U D G M E N T

1. Suit is for realisation of money.
2. Brief averments in the plaint are as follows:- Plaintiff is doing cattle business. Defendant is doing meat business at Koothattukulam. On 20.12.18 he purchased 13 buffalo from the plaintiff for a total consideration of Rs. 4,80,000/- agreeing to pay the said amount within one month. But, defendant did not pay the amount to plaintiff as agreed. Subsequently, plaintiff demanded the amount directly and also through telephone. But, defendant did not turn up. Thereafter, the local secretary of the communist party intervened in the matter and defendant agreed to pay the amount on or before 07.12.19 by way of two installments. On 07.08.19 defendant executed an agreement in favour of the plaintiff agreeing to pay

the said amount. But, defendant did not pay the amount as agreed. Plaintiff issued lawyer notice on 19.12.19. Even though the defendant received the notice, he did not turn up. Plaintiff is entitled to realise an amount of Rs. 4,80,000/- from the defendant with 12% interest from 07.12.19. Hence, the suit.

3. Summons served on the defendant. But, he remained absent and he was set exparte.
4. Plaintiff was examined as PW1. Ext. A1 to A4 documents were marked.
5. Heard the learned counsel for the plaintiff.
6. PW1 gave evidence in tune with the pleadings in the plaint. He has also relied on Ext. A1 to A4 documents to prove his case. Ext. A1 is the undertaking dated 07.08.19. Ext. A2 is the lawyer's notice dated 19.12.19. Ext. A3 is the postal receipt dated 19.12.19. Ext. A4 is the postal A/d card. I have perused the documentary evidence adduced by the plaintiff. From the unrebutted evidence adduced by the plaintiff, I hold that he is entitled to the relief as prayed for.
7. In the result, the suit is decreed with costs as follows:-

The defendant is hereby ordered to pay the plaint claim of Rs. 4,90,000/- with 9% interest on the amount of Rs. 4,80,000/- covered by Ext. A1 from the date of the suit ie. 13.02.2020 till realisation.

Dictated to the confdl.asstt., transcribed and typed by her, corrected and pronounced by me in open court on this the 13th day of December, 2021.

Sd/-
ATHEEK RAHMAN
MUNSIFF

Appendix :

Plaintiff's Exhibits :-

- A1 - 07/08/2019 - Undertaking
- A2 - 19/12/2019 - lawyer's notice
- A3 - 19/12/2019 - Postal receipt
- A4 - 29/11/2021 - Postal acknowledgement card

Defendants' Exhibit :- Nil

Court Exhibits :- Nil

Plaintiff's Witness :-

- PW1 - 29/11/2021 - N C Thomas

Defendant's Witness :- Nil

Id/-
Munsiff
(By Order)

// True Copy //

Junior Superintendent

Typed by: jav
Compd.by :

Copy of Judgment
in
O.S. 85/2020
Dated : 13/12/2021