

IN THE COURT OF MUNSIF PUNALUR.

Present :- Sri.Hareesh.G, M.A. L.L.B, Munsiff.

Monday the 22nd day of August, 2016/ 31st Sravana,1938

O.S.91/2016

Between

Plaintiff:-

P. Rajendran, aged 61, S/o. Purushothaman Vaidyan, Anand,

Alayamon muri, and Village, Punalur Taluk

(By Adv.G. Surendran)

AND

Defendant:-

Nazar, aged 41, S/o. Abdul Khadar, Koiyikkal House, Vakkam mukku, Thazhamel muri, Anchal Village, Punalur Taluk

(By Adv. A. Seenathu Beevi)

This suit is filed by the plaintiff U/o 26 Order 7 and Rule 1 of CPC

This Suit is coming on for hearing before me on 22-8-2016 and the same day the court passed the followings.

JUDGMENT

1. Suit for realisation of money based on dishonored cheque.
2. The plaintiff averments, in brief are as follows; On 23/5/2015 in the residence of the plaintiff the defendant borrowed Rs.10 lakhs from the plaintiff and in order to repay the said money the defendant issued 2 cheques for Rs. 5 lakhs each drawn on his account maintained with the Anchal branch of ICICI bank. Among the said cheque one is cheque no.1177 dated 30/8/2015 and the other one was cheque bearing no.1178 dated 25/9/2015.
3. On 17/11/2015 the plaintiff presented both the cheques for collection in his account maintained with the Federal Bank branch Anchal but the cheques were dishonored stating reason 'funds insufficient'. The plaintiff received the dishonored memo dated 18/11/2015 with the intimation memo dated 24/11/2015. Later on 17/12/2015 the plaintiff caused to send a lawyer notice to

the defendants intimating him about the dishonour of cheques and also called upon him to pay the amount covered by the said cheques. But the defendants did not pay the money. Therefore the plaintiff is entitled to realise the amount Rs.10 lakhs from the defendants and his assets. Thus the suit

4. The cause of action of the suit originated on 30/8/2015, 25/9/2015, the date of the cheques and on 17/12/2015 the date on which notice was sent to the defendant and also on 21/12/2015 date on which the defendant accepted the notice.
5. In this case on the day fixed for the appearance of defendant he was absent though summons was served to him. Thus the defendant was set exparte. Then plaintiff is examined as PW1. From his side Ext A1 to A8 documents were marked
6. PW1 has filed affidavit -in- lieu of examination -in -chief in conformity with the pleadings in the plaint. It is the evidence of PW1 that it is the evidence of PW1 that the defendant borrowed Rs. 10 lakh from him and for repaying the amount he has issued 2 cheques bearing Nos.1177 & 1178 for Rs. 5 lakhs each drawn on his account maintained with the I.C.I.C bank Anchal branch. From the side of plaintiff the said cheques were produced and are marked as Ext A1 & A2 respectively. PW1 gave evidence that he has presented the said cheques for collection in his account maintained with the Federal Bank branch Anchal but the cheques were dishonored stating reason funds insufficient. From the side of plaintiff the certified copies dishonor memos are produced and are marked as Ext A3 series. The certified copy of intimation memo issued from the Federal Bank branch Anchal which are produced from the side of Plaintiff is marked as Ext A4 series. It is the evidence of PW1 that he caused to issue lawyer notice to defendant thereby intimated him of the dishonor of cheques and also called

upon him to pay the amount covered by the cheques. The certified copies of lawyer notice sent to the defendant are marked as Ext A5 series. The postal receipt and the acknowledgment card produced to show the issuance of notice by the plaintiff and the acceptance of the same by the defendant are marked as Ext A6 series and Ext A7 document.

7. Here in this case the defendants did not contest the suit. The pleadings and the evidence from the side of the plaintiff remain unchallenged. There is nothing on record to disbelieve the case of the plaintiff. The oral as well as the documentary evidence produced from the side of plaintiff would show that the defendants is liable to pay Rs. 10 lakhs to the plaintiff on account of dishonor of Ext A1 & A2 cheques. Thus it is found that the plaintiff is entitled to realise Rs. 10 lakhs from the defendants with interest.
8. In the result the suit is decreed allowing the plaintiff to realise Rs. 10,00,000/- (Rupees ten lakhs only) from the defendants and their assets with interest thereon at the rate of 9% per annum from the date of the suit, till date of decree with the cost of this suit with interest thereon at the rate of 6% from this date to the date of realisation.

Dated this the 22nd day of August,2016.

Sd/-
Hareesh.G
MUNSIFF

Appendix:-

Witness For the Plaintiff:-

PW1 20-07-2016 P. Rajendran

Exhibits for the Plaintiff:-

A1 30-8-2015 Cheque No. 1177 in ICICI Bank, Anchal Branch

A2 25-09-2015 Cheque No.1178 in ICICI Bank, Anchal Branch

A3	18-11-2015	Certified copy of dishonour memo, issued from Federal Bank, Anchal Branch
A3(a)	18-11-2015	Certified copy of dishonour memo, issued from Federal Bank, Anchal Branch
A4	24-11-2015	Certified copy of intimation memo issued from -do-
A4(a)	-do-	-do-
A5	18-12-2015	Certified copy of lawyer notice
A5(a)	17-12-2015	-do-
A6	-	certified copy of postal receipt
A6(a)	-	-do-
A7	-	Certified copy of Acknowledgment card
A7(a)	-	-do-

Id/
Munsiff

//True copy//

Typed by : Bindu.S

Compd.by :

Munsiff