

IN THE COURT OF THE MUNSIFF-MAGISTRATE, SASTHAMCOTTA.

Present : Sri. ANIL KUMAR T. S., CIVIL JUDGE (JUNIOR DIVISION)

Monday the 30th day of September, 2024
8th day of Aswina, 1946

OS. 95 /2022

Between

Plaintiff

Syamala Pillai, aged 62 years,
W/o.Raveendran Pillai,
Kaliyil Vilayil Bangalow,
Kidangayam Naduvil Muri,
Sooranadu South Village,
Kunnathur Taluk, Kollam District.

(By Adv. Sooraj Kumar.T.S)

And

Defendant

Kanaka Kumari@ Kanakamma,
aged 60 years,
D/o.Meenakshi Amma,
Thekkadathu Veedu,
Kidangayam Naduvil Muri,
Sooranadu South Village,
Kunnathur Taluk, Kollam District.

(Defendant is set exparte)

This suit is coming on for final hearing before me on 30/09/2024 and
on the same day the court delivered the following:-

J U D G M E N T

Suit for recovery of money.

2. The defendant is a close friend of the plaintiff. On 27.04.2020, the defendant borrowed Rupees three lakh from the plaintiff and promised to return the amount within one year and executed an agreement to that effect. However, the defendant failed to repay the amount within the stipulated time. On 22.04.2022, the plaintiff issued a notice to the defendant through a lawyer. The defendant received the notice on 23.04.2022 but did not repay the amount. Hence this suit is filed for realisation of Rupees three lakh from the defendant.

3. The defendant entered appearance but has not filed written statement. Hence , the defendant is set exparte.

4. To substantiate the case, the plaintiff filed affidavit in lieu of chief examination reiterating the plaint averments. Exts. A1 to A4 marked. Ext. A1 is the agreement dated 27.04.2020, Ext. A2 is the Advocate Notice, Ext. A3 is the postal receipt, Ext. A4 is the acknowledgment card. The evidence adduced by the plaintiff remain unchallenged and the plaintiff is entitled to the relief sought.

5) In the result, the suit is decreed as follows:-

- a) Plaintiff is entitled to realise an amount of ₹3,00,000/-(Rupees three Lakh only) with 9 % interest from the defendant from the date of suit till the date of decree.
- b) Plaintiff is entitled to further interest @ 6% on ₹3,00,000/ from the defendant from the date of decree till realisation.
- c) Plaintiff is also entitled to the costs of the proceedings from the defendant.

(Dictated to the Confidential Assistant, typed by him, corrected and pronounced by me in open court, this the 30th day of September 2024.)

Sd/-
ANIL KUMAR T. S.
CIVIL JUDGE (JUNIOR DIVISION)

APPENDIX :

Exhibits marked from the side of Plaintiff

A1	-	27/04/2020	-	Original agreement deed.
A2	-	22/04/2022	-	Certified copy of advocate notice.
A3	-	22/04/2022	-	Postal receipt
A4	-	23/04/2022	-	Acknowledgement Card

Exhibits marked from the side of Defendant: NIL

Court Exhibits: NIL

Witnesses examined from the side of Plaintiff

PW1 - 24/09/2024 - Syamala Kumari

Witnesses examined from the side of Defendant: NIL

Id/-
CIVIL JUDGE (JUNIOR DIVISION)