

IN THE COURT OF THE MUNSIFF OF TALIPARAMBA

Present: Sri. Ashique Shajahan, Munsiff

Friday, the 31st day of March, 2023

(10th day of Chaithra, 1945)

ORIGINAL SUIT No. 129 OF 2022

Lijo Devassia, S/o Devassia, aged 38 years, Menacheril)
House, Eruvessy Amsom, Desom, Kudiyanmala P.O,) Plaintiff
Taliparamba Taluk, Kannur District.)
)

Vs.

Hamza K.P, aged 50 years, Kadamkottu Puthiya Purayil)
(H), Proprietor Sharja Supermarket, Peruvalathuparamba,)
Peruvalathuparamba (PO), Taliparamba Taluk, Kannur) Defendant
Dis-670593.)

This Suit coming on this day for hearing before me in the presence of Saji Zacharias, Advocate for the plaintiff; defendant is being called absent set exparte and the court delivered the following:

J U D G M E N T

The suit is for the realization of money.

2. The plaint averments briefly are as follows:- The plaintiff and defendant were friends. The defendant borrowed an amount of ₹38,500/- from the plaintiff on 01.10.2021 by promising to repay the same within one month. Towards the discharge of the said legal liability, the defendant

issued a cheque in favour of the plaintiff bearing No.01057970 dated 10.11.2021 drawn on South Indian Bank, Irikkur branch. The plaintiff presented the same before the Bank for encashment and the same was returned due to the reason 'it was out of date and styled'. Though the plaintiff requested the defendant to repay the amount, he did not repay the amount. Hence, the suit.

3. Despite receipt of summons by the defendant, he did not enter appearance and the suit has proceeded exparte against him.

4. The plaintiff himself was examined as PW1 and Ext.A1 was marked on the side of the plaintiff. Ext.A1 is the cheque dated 10.11.2021 for an amount of ₹38,500/-.

5. Heard.

6. PW1 filed an affidavit in lieu of examination in chief by reiterating the contentions in the plaint. Ext.A1 is the cheque executed by the defendant. The defendant has not entered appearance disputing the contentions of the plaintiff. Hence, the plaint claim stands proved and 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 ₹39,803/-(Rupees Thirty-nine thousand eight hundred and three 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 on this the 31st day of March 2023.)

MUNSIFF

Plaintiff's Exhibits:-

A1 10.11.2021 Cheque bearing No.057970 of the South Indian Bank Limited, Irikkur.

Plaintiff's Witness:-

PW1 : Lijo Devassia

MUNSIFF