

IN THE COURT OF MUNSIFF - MAGISTRATE, PERINTHALMANNA

Present:Smt.Asha K.N., Munsiff-Magistrate.

Friday,the 27th day of March,20266th day of Chaithra, 1948**ORIGINAL SUIT No. 177/2024****Between:-**

Thajudheen.V, 57 years, : Plaintiff
S/o.Vallikkapatta Hamza,
Vallikkapatta (H),
Malappuram amsom PO, Kizhmuri desom,
Malappuram District.

And:-

1. Asharaf, 51 years, : Defendants
S/o.Puzhakkal Muhammed,
2. Ameerunnisa, 45 years,
W/o.Asharaf,
(Both are residing at
Puzhakkal (H),
Melattur amsom desom PO,
Perinthalmanna Taluk,
Malappuram District)

This Suit coming on 24th day of March, 2026 for final hearing before me in the presence of Sri.P.C.Girish, Advocate for the plaintiff and of Sri.Mohammed Asif.P, Advocate for the defendant and the defendant is called absent set exparte and having stood over to this day for consideration, the court passed the following:

J U D G M E N T

Suit for realization of money.

2. Plaint averments in brief are as follows:- The plaint schedule properties are belonged to the defendant as per the document No.878/2003 of SRO, Melattur. On 18/03/2023, the plaintiff and defendants entered into an agreement whereby the defendants agreed to sell the plaint schedule properties to the plaintiff, measuring one acre, situated at Melattur Village and comprising survey number 146/6. At the time of the agreement, the plaintiff paid an advance of Rs 5,00,000/- toward the total consideration. The defendants committed to completing the registration in the name of the plaintiff or a nominee within seven months, providing all original title deeds, tax receipts, and possession certificates. Though the plaintiff approached the defendant several times, he evaded from performing his duty. The plaintiff requested the defendants to repay the advance money with interest. The defendants are liable to pay Rs.5,00,000/- with interest at the rate of 9% per annum. So, the suit is filed seeking return of advance money with interest.

3. Defendants appeared through counsel, but not filed written statement. Hence suit was proceeded exparte.

4. The plaintiff filed his chief affidavit and examined as PW1. Exts.A1 to A3 documents were marked.

5. Heard learned counsel for the plaintiff.

6. There is no contra pleadings or evidence. PW1's evidence is supported by Exts.A1 to A3 documents as well. Ext.A1 is the sale agreement, Ext. A2 is the certified copy of Jenmam assignment deed bearing No. 878/2003 and Ext.A3 is the tax receipt. There is absolutely no reason to doubt plaintiff's claim. Plaintiff has claimed interest @ 9% from the date of suit till realization. However, a reasonable rate of interest is only to be awarded. Hence, plaintiff is entitled to

realize the sum claimed @ 9% from the date of suit till date of decree. Post decree interest is pegged @ 6% per annum. Hence, the plaintiff is entitled to get a decree as prayed for with costs.

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

- 1 . Plaintiff is entitled to realize an amount of Rs.5,68,424/- (Rupees Five Lakhs Sixty Eight Thousand Four Hundred and Twenty Four only) from the defendants with interest @ 9% per annum from the date of suit till the date of decree, and such further interest @ 6% till realization.
- 2 . Defendants are also directed to pay costs of the suit to plaintiff.

(Dictated to the Confidential Assistant typed by her corrected and pronounced by me in Open Court this the 27th day of March, 2026)

Munsiff - Magistrate

APPENDIX :

Witness examined from the side of Plaintiff :-

PW1 : 17.02.2026 : Thajudheen.

Exhibits marked from the side of Plaintiff :-

Ext.A1 : 18.03.2023 : Original Sale Agreement.

Ext.A2 : 26.02.2003 : Certified copy of Jenm Assignment deed
No.878/2003.

Ext.A3 : 01.11.2025 : Tax receipt.

Witness examined and Exhibits marked from the side of Defendants : Nil

Court Exhibits : Nil

Munsiff – Magistrate

Typed by : Naseema.C.M

Compared by:1.Jayasree K.

2. Naseema.C.M

Fair Judgment
in OS 177/2024
Dated.27.03.2026