

IN THE COURT OF THE MUNSIFF-MAGISTRATE, PATTAMBI

Present:- Smt.Neema Noor Mohamed, Munsiff-Magistrate

Saturday, the 23rd day of November, 2024/2nd Agrahayana, 1946 S.E.

ORIGINAL SUIT No.109/2023.

Between:-

MR CARE CENTRE PRIVATE LIMITED, : Plaintiff
5/312 A,Ullannur,Thrithala,Pattambi Taluk
represented by its Director Kolambil
Pallikkarammal Muhammedkutty.

And:-

1. MANISA TRADE LINK, : Defendants
Opposite Town LPS,
Nedumangad Post,Trivandrum
represented by its Managing Partner Sampath.
2. Sampath,Managing Partner,
MANISA TRADE LINK,
Opposite Town LPS,
Nedumangad Post,Trivandrum.

This suit coming on 19/11/2024 for final hearing before me in the presence of Sri.K.P.Nouphal and Sri.Sitheesh.K.T., Advocates for the plaintiff and the defendants called absent set exparte and after having stood over for consideration till this day and this court delivered the following:

JUDGMENT

Suit for realization of money

2. Plaint averments in brief are as follows: Plaintiff is a trading company and the 1st defendant is a registered partnership firm represented by its managing partner, 2nd defendant. Through 1st defendant, 2nd defendant purchased goods on cash and credit basis from 25/04/2018 onwards from the plaintiff company. As on 16/05/2022, defendants liable to pay a sum of ₹ 1,70,263.65/- towards the goods supplied to the defendants on credit by the plaintiff company. The defendant failed to clear the outstanding balance towards the goods supplied on credit, in spite of repeated demands. On 07/12/2022, the plaintiff issued a registered lawyer notice to the 1st defendant to pay the outstanding amount within 7 days of receipt of the notice. The 1st

defendant received the notice on 10/12/2022 but so far not caused any reply notice. The defendant did not paid the outstanding amount till date. Hence the suit for realisation of the aforesaid amount with an interest at the rate of 12%.

3. Defendants appeared before the court. But did not file any written statement. Hence the proceeding was heard exparte.

4. The Director of the plaintiff company was examined as PW1 and Exts. A1 to A4 series (3 in numbers), A5 and A6 were marked. PW1 filed an affidavit in lieu of examination in chief reiterating the pleadings in the plaint. From the evidence of PW1 it is proved that defendants purchased items from the plaintiff company on credit basis. Exhibit A1 is the resolution passed by the Board of Directors of the plaintiff company authorizing the plaintiff to conduct case. Exhibit A2 is the certified copy of chartered audited current books of accounts of the defendant maintained by the plaintiff company. Exhibit A3 is the GST filing details of the defendant. The registered lawyer notice issued by the plaintiff to the defendants is marked as Ext. A4 its postal receipt and acknowledgment card are marked as Ext. P4(a) and P4(b). Certified copy of current books of accounts of defendants maintained by the plaintiff is marked as Ext. A5 and the chartered accounts audited, current books of accounts of the defendants maintained by the plaintiff is marked as Ext. A6. On perusing Exts. A2, A3, A5 and A6 it is found that as on 16/05/2022, the balance outstanding from the defendants is ₹ 1,70,263.65/-. There is no contra evidence. Hence the plaint claim stands proved from the oral and documentary evidence adduced from the side of the plaintiff. So far as the rate of interest is concerned, I find that a reasonable rate of 6 % per annum can be awarded as pendente-lite interest and future interest.

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

- 1. The plaintiff is entitled to realise an amount of ₹ 1,70,263.65/- (*Rupees one lakh seventy thousand two hundred and sixty three and paise sixty***

five only) from the defendants and the assets of defendants.

2. **The plaintiff is entitled to realize interest @ 6% per annum on the principal amount from the date of the suit till realization from the defendants and the assets of defendants.**
3. **The plaintiff is also entitled to realize the costs of the suit from the defendants and the assets of defendants.**

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, this the 23rd day of November, 2024.

Sd/-
Munsiff.

Witness examined on plaintiff's side:

PW1 - 29-10-2024 - K.P.Muhammedkutty.

Exhibits marked on plaintiff's side:

- A1 - 01-12-2022 - Resolution of the board of directors.
- A2 - 01-04-2018 to
16-05-2022 – Statement of accounts.
- A3 - 30-05-2019 to
14-02-2022 - Statement showing GST filing details.
- A4 - 07-12-2022 - Copy of lawyer notice.
- A4(a) - 10-12-2022 - Acknowledgment Card.
- A4(b) - 08-12-2022 - Postal receipt.
- A5 - 01-04-2018 to
05-01-2023 - Statements of accounts.
- A6 - 01-04-2018 to
05-01-2023 - Audited statement of accounts.

Witness examined and exhibit marked on defendant's side: NIL

Sd/-
Munsiff.

Copied by : Chitra.T
Compared by : Brijimol.K.S.

