

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur  
Tuesday the 14<sup>th</sup> day of February, 2023  
25<sup>th</sup> day of Magha, 1944 S.E.

**ORIGINAL SUIT No:82/2019**

NTC. Nidhi Ltd. 543.C.  
New Trichur Towers,  
Kandassamkadavu, Thrissur : Plaintiff  
Represented by Managing Director,  
Varghese Jose, aged 53 years, S/o.Jose,  
Chalissery Veedu, Thanikkal, Karamukku,  
Kandassamkadavu, Thrissur District,

Vs.

1. Kaladharan.R, aged 45 years,  
S/o.Raman, Elakkankode Veedu,  
Thiruvallathur Desom, Kodumbu Village,  
Palakkad Taluk, Palakkad District.
2. Manju.M, aged 35 years,  
W/o.Kaladharan, Elakkankode Veedu, : Defendants  
Thiruvallathur Desom, Kodumbu Village,  
Palakkad Taluk, Palakkad District.
3. Parvathi, aged 44 years, W/o.Kannan,  
Alankode, Thiruvallathur Desom,  
Kodumbu Village, Palakkad Taluk,  
Palakkad District.
4. Idumban.V, aged 58 years,  
S/o.Velappan, Thiruvallathur Desom,  
Kodumbu Village, Palakkad Taluk,  
Palakkad District.

This suit coming on this day for hearing before me in the presence of Sri.Titus Joseph, Sri.C.Anandadasan, and Sri.V.Satheesh, Advocates for the plaintiff and defendants called absent and set exparte and the court delivered the following:-

## **J U D G M E N T**

Suit for realization of money.

2. Plaint averments in brief are as follows:- The plaintiff company is a registered company registered under the Companies Act. The 1<sup>st</sup> defendant had borrowed a sum of Rs.3,00,000/- from the plaintiff company on 17-3-2016 with an undertaking to repay the same with an interest at the rate of 18% per annum and executed a pronote on 17-3-2016 in favour of the plaintiff company. The other defendants stood as surety to the loan transaction. The plaintiff submits that the defendants had repaid a sum of Rs.2,77,350/- up to 10-12-2018, thereafter nothing has been paid by the defendants towards the principle amount or interest. The defendants are liable to pay a sum of Rs.92,792/- towards the amount and as interest to the plaintiff company. Thus the defendants are liable to pay a total sum of Rs.92,792/- to the plaintiff company. Hence the suit.

3. The defendants entered appearance and filed written statement denying

the plaintiff averments. But when the case was listed, no representation on the side of defendants and the defendants were called absent and set exparte.

4. To prove the case of the plaintiff, PW1 filed affidavit in lieu of chief examination and documents produced marked as Ext.A1 to A6. No contra evidence tendered. The unchallenged evidence of PW1 and documents marked as Ext.A1 to A6 are accepted. The affidavit along with the documentary evidence proved the case of the plaintiff.

**In the result,**

- 1) The suit is decreed with costs directing the defendants to pay a sum of ₹ 94,165 /- with an interest @ 12% per annum from the date of the suit till the date of decree and with future interest @ 6% from the date of decree till realization.
- 2) Directing the defendants to pay the costs of this suit to the plaintiff.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court, on this the 14<sup>th</sup> day of February, 2023.

Munsiff

Plaintiff's Witness Examined:

PW1 : Jayaprakash

Plaintiff's Exhibits:

- A1 30.09.2017 : Board of Directors meeting minutes Extract  
NTC. Nidhi Ltd.
- A2 15.01.2020 : Board of Directors meeting minutes Extract  
NTC. Nidhi Ltd.
- A3 : Loan application form of Kaladharan.
- A4 17.03.2016 : Promissory note.
- A5 17.03.2016 : Receipt No.555 (NTC. Nidhi.Ltd.)
- A6 17.03.2016 : Statement of account Loan No.111/2016

Defendants Witness and Exhibits : Nil

Munsiff

Typed by : Sreela.K.S  
Compared by : Santhosh.C

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Fair / Copy of Judgment in  
O.S.No.82/2019  
Dated : 14/02/2023  
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