

IN THE COURT OF THE MUNSIFF OF ALATHUR

Present:- Sri.K.Sidhik, B.A, LL.B., Munsiff

Monday, 21st day of October, 2019
(29th day of Aswina, 1941 S.E)

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ORIGINAL SUIT No.203/2018

Tinjo Chungath Antony
Aged 27 years S/o. C.P. Antony,
Residing at Chungath House,
Elavanpadam (P.O.), Alathur Taluk.

Plaintiff

V/s

1. G. Sivadas, Aged about 62 years,
S/o. Gopalan, residing at Dasprabha
House, Kumaranellur Amsam Desam,
Kumaranellur (P.O), Kottayam District.

Defendants

2. Anil Kumar, Aged about 35 Years,
S/o. Arumughan, Residing at
GramaparambuHouse,
Thennilapuram (P.O.) Alathur Taluk.

This suit is coming on 5th day of October, 2019 for final hearing before me in the presence of Sri.T.U. Shaik Abdulla, Advocate for Plaintiff and defendants were called; absent, set ex- parte and having stood over to this day for consideration this Court delivered the following.

J U D G M E N T

Suit for recovery of money.

2. Plaintiff is a qualified person in X-ray welding. Plaintiff got acquaintance with the second defendant through his friend and the second defendant took the plaintiff to the house of first defendant at Kottayam. Thereafter defendants made believe the plaintiff that they will arrange working VISA to the plaintiff in Carnival Shipping Company at Australia and for obtaining said VISA asked passport and other documents along with ₹ 5,50,000/-. On that belief plaintiff gave ₹ 50,000/- on 20.07.2016, ₹ 1,50,000/- on 27.09.2016, ₹ 1,00,000/- on 16.12.2016, ₹ 1,50,000/- on 05.01.2017 and ₹80,000/- on 04.02.2017 through the State Bank of India, Vadakkencherry branch to the account of the insisted by the defendants. The balance amount of ₹ 20,000/- was given to the second defendant as per the direction of the first defendant. Thereafter, as per the direction of the first defendant, plaintiff was taken to Bengaluru by the second defendant and there he took the plaintiff to one office and made him believe that said VISA will be arranged at the earliest. On that belief plaintiff waited for four months but

the defendants neither arrange the VISA nor returned the money. When the plaintiff met the defendants personally and requested them to return the passport and money, defendants gave copy of a flight ticket to plaintiff. On enquiry plaintiff came to know that said ticket was canceled. Thereafter also plaintiff demanded the defendants to return the passport and money but they evaded by saying flimsy reasons. Therefore, plaintiff had preferred a complaint before the Superintendent of Police, Palakkad and a case was registered against the defendants. Defendants acted against the plaintiff in order to cheat the plaintiff and to grab the money. Hence the suit. The cause of action for the suit arose on 10.06.2018 and thereafter within the jurisdiction of this court.

3. Defendants 1 and 2 were called absent and set ex-parte. The plaintiff was examined as PW1 and exhibits A1 to A7 were marked. The unquestioned testimony of PW1 coupled with exhibits A1 to A7 prove the case of the plaintiff.

In the result, suit is decreed as follows:

1. Defendants 1 and 2 shall pay an amount of ₹ 6,32,500/- (Rupees six lakh thirty two thousand and five hundred only) with interest at the rate of 9 percent per annum to the plaintiff personally and out of the assets of the defendants 1 and 2

from the date of the suit till the date of decree and thereafter at the rate of 6 percent per annum till realisation.

2. Defendants 1 and 2 shall pay costs of the suit.

Dictated to Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court on this the 21st day of October, 2019.

Munsiff

APPENDIX :- NIL

Plaintiff's Witness Examined:-

PW1 : Tinjo Chungath Antony

Plaintiff's Exhibits Marked:-

A1 02/02/2017 : Agreement entered in to between plaintiff and defendants

A2 19.06.2017 ; Receipt issued by District Police Office, Palakkad.

A2(a)19.06.2017 : Petition submitted by Tinjo Chungath against the defendants before the superintendent of police, Palakkad.

- A3 20.07.2016 : State Bank of Travancore RTGS
Counter foil in favour of Tinjo C.A
- A4 27.09.2016 : State Bank of Travancore Pay-In-Slip
in favour of C. Leelamani
- A5 16.12.2016 : State Bank of Travancore RTGS
Counter foil in favour of Tinjo C.A
- A6 05.01.2017 : State Bank of Travancore RTGS
Counter foil in favour of Tinjo C.A
- A7 04.02.2017 : State Bank of Travancore RTGS
Counter foil in favour of Tinjo C.A

Defendant's Exhibits :- NIL

Court Witness and Exhibits;- NIL

Munsiff

Fair/Copy of Judgment

in O.S. 203/2018

Dated: 21 10. 2019