

IN THE COURT OF THE MUNSIFF, ADOOR

Present: Sri. Amal.S.R, Munsiff.

Wednesday the 1st day of June, 2022
11th Jaishtha, 1944 (S.E)O.S. No.105/2019

Between:-

Rajasekharan Pillai, aged 64 years,	}	
S/o. Krishna Pillai, Rajadhani Veedu,	}	
Thengamam Muri, Pallickal Village,	}	Plaintiff
Adoor Taluk.	}	

(By Adv.Sooranadu S.Sreekumar)

And:-

- | | | | |
|----|--|---------------------------------|------------|
| 1. | Thottuva Sree Bharanikavu Devi-
Temple, Thottuva Muri,
Thengamam.P.O,
Pallaickal Village, Adoor Taluk. | }
}
}
} | |
| 2. | Thottuva Sree Bharanikavu Devi-
Kshethra Bharanasamithi,
represented by its president
Raman Unnithan, aged 74 years,
S/o. Raghava Kurup,
Chirackal Veedu,
Thodiyoor North Muri,
Thazhava Village, | }
}
}
}
}
]
} | Defendants |
| 3. | S.Muraleedharan Pillai,
aged 55 years, Palathadathil Veedu,
Thengamam Muri,
Pallickal Village, Secretary,
Thottuva Sree Bhavanikavu-
Devikshethra Bharana Samithi. | }
}
}
}
}
} | |
| 4. | J.Jayaraj, aged 32 years,
Aalappurathu Veedu, Aanayadi.P.O,
Thottuva Muri, Pallickal Village,
Treasurer, Thottuva Sree-
Bharanickavu Devishethra Bharana-
Samithi. | }
}
}
}
}
} | |

(Exparte)

This suit having been finally heard on 01.06.2022 in the presence of Sri. Sooranadu.S. Sreekumar, Counsel for the plaintiff and the defendants were set exparte and on the same day the court delivered the following:

JUDGMENT

Suit is filed for realization of money.

2. The averments in the plaint in brief are as follows: Plaintiff is the former Secretary of 1st defendant. As per committee decision the plaintiff has handed over some amount for the reconstruction work of the 1st defendant. At that time the security executive committee members executed a cheque in his favour after entering it in the minutes dated 07.02.2016 and in expenditure register. When the existing committee members took charge the debt of Rs.2,50,000/- was entered in the debit statement. Thereafter on 15.06.2016 they executed cheques bearing No.229 of Pallickal Service Co-operative Bank and cheque bearing No.974833 of SBT Pazhakulam Branch for an amount of Rs.1,00,000/- each. When the same was presented before the banks it has returned dishonoured. Hence the suit for realization of principal amount with interest.

3. Even if summons was served on the defendants, they did not appear and contest the suit. Hence the suit was proceeded against them exparte.

4. Heard the side of plaintiff.

5. The plaintiff gave evidence as PW1 and Exts.A1 to A5 were marked. Ext.A1 is the cheque dated 15.05.2016 issued by the defendants in the name

of plaintiff for a sum of Rs.1,00,000/-. Ext.A2 is the cheque bearing No.974833/- dated 15.05.2016 issued by defendants in the name of plaintiff for an amount of Rs.1,00,000/-. Ext.A3 and A4 are the cheque return memos. Ext.A5 is the copy of the Lawyer's notice issued to the defendants. From this evidence which stand unrebutted it is proved that defendants are liable to pay a sum of Rs.2,00,000/- and the passing of money was proved by the evidence of PW1. Hence the plaintiff is entitled to realize the plaint claim. The interest on the principal sum was calculated @ 12% p.a. I find the said rate of interest is reasonable and is allowable. However, the transaction was not a purely commercial one, the interest from this date till the realization can be allowed only @ 6% p.a.

In the result, I decreed the suit against the defendants. It is ordered that defendants do pay to the plaintiff a sum of Rs.2,68,000/- with interest thereon @ 12% p.a from the date of suit ie., 03.04.2019 till this date and thereafter @ 6% p.a till the date of realization and do also pay the cost of the suit.

Dictated to the Confidential Assistant, transcribed and typed by her corrected and pronounced by me in open court on this the 1st day of June, 2022.

Sd/-
AMAL.S.R,
MUNSIFF.

Appendix
Exhibits marked for the Plaintiff:-

A1	15.05.2016	Cheque bearing No. 229 of Pallickal Service Co-operative Bank Ltd., No. 722, Payyanalloor.P.O, Pathanamthitta District for an amount of Rs. 1,00,000/- (Account No. 228)
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- A2 15.05.2016 Cheque bearing No. 974833 of State Bank of Travancore, Pazhakulam Branch for amount of Rs. 1,00,000/-
- A3 11.08.2016 Cheque return memo (Cheque No. 229)
- A4 11.08.2016 Cheque return memo (Cheque No. 974833)
- A5 23.08.2016 Photocopy of Legal Notice.

Exhibits marked for the Defendants:- Nil

Witness Examined for the Plaintiff :-

PW1 05.04.2022 Rajasekharan Pillai

Witness Examined for the Defendants :- Nil

MUNSIFF.

Typed by: Saji.K
Compared by:

Fair/Copy of Judgment in
O.S. No.105/2019
Dated: 01..06..2022.