

IN THE COURT OF THE MUNSIFF, ADOOR

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

Saturday the 17th day of December, 2022
 26th day of Agrahayana, 1944 (S.E)

O.S. No.322/2019

Between:-

Travancore Rural Development	}	
Producer Company Ltd. Adoor,	}	
represented by its Executive	}	Plaintiff
Director, R.Zeena, aged 50 years,	}	
W/o. Sethu, Thengumthara Melethil,	}	
Melood Muri, Peringanadu Village	}	

(By Adv. V.S.Vijayan)

And:-

Shani, aged 40 years, W/o. Sherif,	}	
Assem Cottage Veedu,	}	Defendant
Kayamkulam Muri,	}	
Kalayamkum Village,	}	
Karthikapalli Taluk.	}	
	}	

(Exparte)

This suit having been finally heard on 17.12.2022 in the presence of Sri.V.SVijayan, Advocate for the plaintiff and Defendant was set exparte and having stood over for consideration 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 Producer Company Ltd. Adoor branch registered under Indian Companies Act

represented by its Executive Director. The plaintiff has started a loan scheme as "*Mutual Benefits Fund.*" The defendant has joined this scheme. On 14.06.2014, an amount of Rs.3,65,000/- was received. Even if specific undertaking was made, she committed default in repayment. On 31.07.2015, the defendant issued a cheque for Rs.2,25,480/- in favour of the plaintiff and when the same was presented through her bank it was returned dishonoured with reason funds insufficient. On 01.09.2015, the plaintiff sent legal notice to the defendant. Then she paid an amount of Rs.15,000/- and so many occasions defendant approaches the plaintiff and paid a nominal amount. But on perusal of statement of account after deducting the paid amount it is found that a balance amount of Rs. 3,56,694/- is due to the plaintiff. The plaintiff has no other option than approaching this court. Hence this suit.

3. Even if summons was served, she did not enter appearance and file written defence. Hence the suit is ordered to be proceeded against her *exparte*.

4. In order to stake the plaint claim, the present Executive Director entered into the witness box and examined as PW1 and Exts.A1 to A5 were marked.

5. According to PW1, the defendant failed in repaying the loan amount even if it was specifically undertaken. Afterwards for discharge of her liability, the defendant issued Ext.A1 cheque in favour of plaintiff. When the cheque was presented before the bank it was returned dishonoured vide Ext.A2 memo. Ext.A3 is the copy of Lawyer's notice addressed to the defendant.

Ext.A4 certified copy of postal receipt evince its mailing and Ext. A5 certified copy of acknowledgement card shows that it was duly served on her.

6. The unrebutted testimony of PW1 established the cause of action pleaded by the plaintiff. In the absence of any countervailing evidence to contradict this proof of plaint claim, I deem that same remains uncontroverted and accordingly admitted. Here the rate of interest claimed by the plaintiff is 12% p.a and is allowable. From the evidence tendered it is quite evident that an amount of ₹3,56,694/- is due to the plaintiff. The said amount stands unassailed.

In the result, I decreed the suit against the defendant. The plaintiff is entitled to realize an amount of ₹3,56,694/-with interest @ 12% per annum from the defendant personally and on their assets from the date of suit till the date of realization. The defendant shall also pay the cost of the suit to the plaintiff.

Dictated to the Confidential Assistant, transcribed and typed by her corrected and pronounced by me in open court on this the 17th day of December 2022.

AMAL.S.R,
MUNSIFF.

Appendix

Exhibits marked for the Plaintiff:-

- | | | |
|----|------------|---|
| A1 | 31.07.2015 | Cheque No. 447723 issued from South Indian Bank Kayamkulam. |
| A2 | 04.08.2015 | Copy of Dishonoured memo issued from the south Indian Bank Limited, Adoor Branch. |

A3 01.09.2015 Copy of Legal Notice sent to Shani.L.

A4 01.09.2015 Copy of Postal Receipt.

A5 01.11.2019 Copy of Acknowledgement Cards.

Exhibits marked for the Defendants:- Nil

Witness Examined for the Plaintiff :-

PW1 07.12.2022 Zeena.R

Witness Examined for the Defendants :- Nil

MUNSIFF.

Typed by: Saji.K
Compared by:

Fair/Copy of Judgment in
O.S No.322/2019
Dated: 17..12..2022.