

IN THE COURT OF THE MUNSIFF OF CHAVAKKAD

Present: Smt:Dr.Aswathy Asok., Munsiff

Friday, the 26^h day of July, 2024/ 4th Sravana 1946 SE

O.S. 316/2024

Plaintiff:-

Gopuram Nidhi Limited, Pavaratty Village and Desom, Chavakkad Taluk,
Represented by Managing Director Johnson, Aged 51 Yrs, S/o Marokki
Varghese, Thaikkad Village and Desom, Chavakkad Taluk .

(By Adv. Jojo Jacob & Adv. Mary Jacob)

Defendants:-

1. Devaki Appukuttan, Aged 68 Yrs, W/o Erippasery Appukuttan,
Kandanassery Village and Desom, Kunnamkulam Taluk, PIN 680 102.
2. Bijeesh, Aged 41 Yrs, S/o Erippasery Appukuttan,
Kandanassery Village and Desom, Kunnamkulam Taluk, PIN 680 102
3. Sivadasan, Aged 49 Yrs, S/o Puthenpurakkal Kunjunni, Velloor Village,
Desom and P.O., Thalappilly Taluk, PIN 680 601.

(Exparte)

This suit is coming on 23/07/2024 for hearing, the court delivered the following:

J U D G M E N T

Suit for realisation of money.

2. The averments in plaint in brief are as follows:- The plaintiff is Gopuram Nidhi Pvt. Ltd and is having its registered office at Pavaratty. The plaintiff company is involved in lending money and also other business. The defendants borrowed an amount of Rs.1,37,000/- from the plaintiff company on 20-2-2019. They executed a promissory note in favour of the plaintiff. The defendants agreed to pay the amount within 36 monthly instalments. The defendants defaulted to pay the amount. They

are liable to pay the loan amount with interest at the rate of 14%. The defendants have not paid entire amount to the plaintiff. An amount of Rs.1,15,095/- is due from the defendants. The defendants are jointly and severally liable to pay the said amount. Though the plaintiff demanded the defendants to pay the said amount through registered lawyer notice it did not invoke any response. Hence the suit.

3. Defendants remained absent and set ex-parte.

4. On the side of the plaintiff, Managing Director was examined as PW1 and Exts.A1 to A3 were marked. Heard the plaintiff.

5. The plaintiff seeks for realization of loan amount. To prove the case of the plaintiff the Managing Director of plaintiff company was examined as PW1. In the affidavit filed in lieu of examination in chief he had reiterated the entire contentions put forward in the plaint. The entire evidence of the plaintiff remained unchallenged. The evidence of PW1 coupled with Exts.A1 to A3 proves the case of the plaintiff. But the plaintiff had levied interest at the rate of 14% per annum which I am of the opinion that plaintiff is not entitled to levy. The plaintiff is only entitled to levy interest at the rate of 12% per annum. Hence the plaintiff is entitled for a decree for realisation of the amount as prayed for.

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

- ¹. Defendants are directed to pay to plaintiff jointly and severally an amount of Rs.84,300/- (Rupees Eighty four thousand and three hundred only) with interest @ 12% per annum from 20-10-2020 till

