

IN THE COURT OF THE MUNSIFF, KODUNGALLUR.

Present:- Smt.Karthika.K., Munsiff.

Wednesday, the 16th day of October, 2024/ 24th Aswinam, 1946.

O.S.727/2020

Plaintiffs:-

Vidyarthadayini Sabha, Paliyam Thuruth Desom,
Methala Village, Kodungallur Taluk The firm is rep. by

1. President, Vinayakumar, Aged 45 years, S/o.Mangattil Sukumaran, Paliyam Thuruth Desom, Methala Village, Kodungallur Taluk.
2. Secretary, Bhadran, Aged 69 years, S/o.Kozhiparambil Sreedharan, Paliyam Thuruth Desom, Methala Village, Kodungallur Taluk.
3. Treasurer, Dinamani, Aged 55 years, S/o.Ottaratt Mami, Paliyam Thuruth Desom, Methala Village, Kodungallur Taluk.

By Adv. K.G.Sajith & C.K.Mohandas

Defendant:-

Chandran, Aged 66 years, S/o.Ezhumala Veetil Madhavan Nair, Iranikulam Desom, Thirumukkulam Village, Mukundapuram Taluk.

Exparte

This suit coming on this day for hearing before me, the court on the same day passed the following:

JUDGMENT

Suit for realisation of money.

2. **The plaint averments in brief is as follows:-** Plaintiff is a sabha. The defendant is the subscriber of kuri conducted by plaintiff. Defendant received kuri amount in auction agreeing to repay the amount

with interest and executed a kuri agreement on 7.7.2012 by depositing settlement deed No.432/2000 of Annamanada Sub Registry for creating a charge upon the plaint schedule property. But, defendant defaulted payment of kuri instalments from its 6th installment. Hence the plaintiff filed O.S.1000/2017 against the defendant pending before this court. Again the defendant defaulted payment of kuri instalments from its 66th installment. Hence plaintiff sent a lawyer notice dated 10.7.2020 to the defendant demanding to pay the defaulted installments. But the defendant did not pay the defaulted installments. Hence the suit.

3. Defendant filed written statement denying the plaint averments. Therefore issues were framed as follows:-

1. Is the plaintiff entitled to realise the amount from the defendants?
2. What is the amount if any to which the plaintiff is entitled to realise from defendant?
3. What is the rate of interest if any to which the plaintiff is entitled?
4. Reliefs and Order as to costs?

4. When the case was posted for trial in the special list, the defendants remained absent and set ex parte.

5. The Treasurer of plaintiff sabha filed proof affidavit in lieu of chief examination and Exts. A1 to A5 documents marked. Ext.A1 is the certified copy of sale deed No.432/2000 of Annamanada SRO. Ext.A2 is the certified copy of kuri agreement dated 7.7.2012. Ext.A3 is the confirmation letter. Ext. A4 is the lawyer notice and Ext.A5 is the acknowledgment card. The evidence on record would show that the defendant received kuri amount from the plaintiff sabha agreeing to repay the amount with interest after depositing his title deed by way of equitable mortgage and defaulted the repayment. Since the defendant remained ex parte, the affidavit and documents filed by the plaintiff remained unchallenged. There is nothing to discredit the evidence adduced by the plaintiff. Hence plaintiff is succeeded in proving its case with cogent and reliable evidence.

In the result suit is decreed as follows:-

a) The defendant shall pay an amount of Rs.1,21,600/- (One Lakh Twenty One Thousand Six Hundred) with an interest @ 12% per annum from the date of suit till the date of decree and thereafter with an interest @ 6% per annum on the decree amount till realization.

b) There shall be a charge over the plaint schedule property till realisation of the aforesaid amount.

c) The defendant shall pay entire costs of the suit to the plaintiff.

(Dictated to the Confdl.Asst., transcribed by her corrected by me and pronounced in open court on this the 16th day of October, 2024)

Sd/-
KARTHIKA.K.,
MUNSIFF.

APPENDIX

Plaintiff's Exhibits:

A1	-	09.02.2000-	Certified Copy of Sale Deed No.432/2000 of Annamanada S.R.O.
A2	-	07.07.2012-	Certified Copy of Kuri Agreement
A3	-	07.07.2012-	Certified Copy of Confirmation Letter
A4	-	10.07.2020-	Copy of Lawyer Notice
A5	-	-	Acknowledgment Card

Defendant's Exhibits: - Nil.

Court Exhibits : - Nil

Plaintiff's Witness: - Nil

Defendant's Witness: - Nil.

Copied by: pn

Compared by:

/True Copy/

Id/-
MUNSIFF.
By Order

Junior Superintendent.