

**IN THE COURT OF THE MUNSIFF, ATTINGAL**  
**PRESENT: SRI. SANTHOSH KUMAR. N, MUNSIFF**  
**WEDNESDAY 5<sup>th</sup> APRIL, 2023 / 15<sup>th</sup> CHAITHRA, 1945**

**OS. 107/2017**

**Plaintiff:**

Vimal Kumar, S/o Appukuttan Nair, aged 40 years, Kaveri, Channankara, Kadinamkulam Village.

By Advocate: Sri. V. Shaji

**Defendant:**

Girija, D/o Kamalakshi, aged 48 years, Valiyavilakathu Veedu, Channankara. PO, Kadinamkulam Village.

Set Exparte

This original suit having been finally heard on 20.01.2023 and the court on 05.04.2023 delivered the following:

**JUDGMENT**

The suit is for realization of money.

**2. The plaint averments in brief are as follows:**

The defendant borrowed an amount of Rs. 1,50,000/- from the plaintiff on 02.09.2015 and agreed to repay the amount with 9% interest and executed a promissory note on the same day. In spite of repeated demands defendant did not pay any amount. Now the defendant is making preparations to sell her properties. Hence plaintiff filed the suit to recover the plaint amount of Rs.1,77,000/- with 9% interest.

3. The defendant set ex parte.

4. The plaintiff filed affidavit in lieu of examination in chief and Ext.A1 was marked.

5. Heard the plaintiff.

6. Ext.A1 is the promissory note dated 02.09.2015. From the exhibit and affidavit plaintiff's case stands proved and unchallenged. Hence the plaintiff is entitled to get the relief prayed for.

7. The plaintiff is claiming future interest at the rate of 9% per annum from the date of the suit till date of realization. If the future interest is granted at the rate of 9% per annum the component of interest will become disproportionate to the component of principal sum. Hence I am not inclined to grant future interest at the rate as prayed for by the plaintiff. 6% future interest for the plaint amount is found just and proper.

In the result, the suit is decreed with costs that the plaintiff is entitled to realize a sum of Rs.1,77,000/- (Rs. One lakh Seventy Seven thousand only) together with interest at the rate of 6% for the above sum from the date of the suit till date of realization from the defendant and her assets.

*Dictated to the Confidential Assistant, transcribed and typed by her corrected and pronounced by me in open Court on this the 05<sup>th</sup> day of April, 2023.*

Sd/-  
SANTHOSHKUMAR. N  
MUNSIFF

**Appendix:**

**Exhibits marked for the Plaintiff:**

|    |            |                 |
|----|------------|-----------------|
| A1 | 02.09.2015 | Promissory Note |
|----|------------|-----------------|

**Exhibits marked for the Defendant:**

Nil

**Court Exhibits:**

Nil

**Witness for the plaintiff:**

PW1 17.01.2021

Vimal Kumar

**Witness for defendant:**

Nil

*Id/-*  
MUNSIFF

//True Copy//

Typed by: Lasitha  
Compared by: Sheena.K

MUNSIFF

**Copy of Judgment in**  
**OS.107/2017**  
**Dated : 05.04.2023**