

In the Court of the Subordinate Judge, Pollachi

Present: Thiru.M.Balamurugan, B.A., B.L.,

Subordinate Judge, Pollachi

Wednesday, the 08th day of September 2021

O.S.No: 266/2018

Arumugham

... Plaintiff

/Versus/

Mumthaj

... Defendant

This suit coming up for final hearing on 18.08.2021 before this Court in the presence of Thiru.C.Selvakumar, Counsel for Plaintiff and defendant are called absent set exparte and upon hearing the arguments of the plaintiff side and perusing the records, having stood over for consideration till this date, this Court delivered the following:

Judgment

1) The plaintiff herein has filed this suit for Recovery of Money, to pass a decree against the defendant for a sum of Rs.3,00,000/- with subsequent interest and costs of the suit.

2) The averments made in the plaint is as follows:-

That on 25.06.2015, the defendant borrowed a sum of Rs.3,00,000/-in cash from the plaintiff for family expenses and she executed a pronote infavour of the plaintiff on the same day. The said loan amount will be repaid on demand with subsequent interest at the rate of 12% per annum. The plaintiff made a several attempt to discharge the said loan amount, even after a several demand made by the plaintiff, the defendants herein not choose to discharge the loan amount. The plaintiff has waived the interest from 25.06.2015 to 24.06.2018. Hence, the plaintiff issued legal notice on 13.03.2018 for demanding the loan amount with interest. The said legal notice was received by the defendant. After that the defendant failed to repay the suit amount. Hence the suit.

3) On issued a summon to the defendant from this court, the defendant received the same. While the defendant was called in open court and absent set exparte.

4) Point for consideration is
whether the plaintiff is entitle for the suit claim as prayed for?

5) In this case the plaintiff himself examined as PW1 and Exhibits A1 to A3 are marked on the side of plaintiff and Ex.A1 is the suit pronote and others are relevant documents.

6) Heard on the side of plaintiff. The plaintiff also reiterated the plaint averments by way of proof affidavit. Admittedly, in this case, the allegations made in the plaint are not denied by the defendant herein by either let in oral evidence nor through documentary evidence. On seeing, the exhibit A1 suit pronote marked by the plaintiff, is the original pronote which clearly and vividly proved the claim of the plaintiff and it established that the plaintiff is proved his claim through documentary evidence. The other documents also proved that the plaintiff having a cause of action to file this suit. It is settled preposition, that in the absence any contra evidence, it has to be presumed that the plaintiff proved his case. Hence, this court come to conclusion that the plaintiff proved the case with oral and documentary evidence. Accordingly, the point is answered in his favour.

7) In the result, this suit decreed that the defendant herein to pay a sum of Rs.3,00,000/- together with subsequent interest of 9% per annum from the date of plaint till date of decree after that 6% per annum till its realization on the principal amount of Rs.3,00,000/- and cost of the suit.

Dictated to the typist directly computerized by him, and corrected and pronounced by me in the open court, this the 08th day of September 2021.

Sd./ (M.Balamurugan)
SUBORDINATE JUDGE,
POLLACHI

Plaintiff side Evidence:

PW1 - Arumugam, S/o.Karuppusamy

Plaintiff side Exhibits:

Exhibit A1	25.06.2015	Pronote	Original
Exhibit A2	13.03.2018	Advocate Legal Notice	Office copy
Exhibit A3		Acknowledgment card	Original

Defendant side Evidence and Exhibits: Nil

Sd./ (M.Balamurugan)
SUBORDINATE JUDGE,
POLLACHI