

IN THE COURT OF SUBORDINATE JUDGE, NEYVELI

Present: Tmt. S. Uma Maheswari, B.A., L.L.M.,

Subordinate Judge, Neyveli.

Wednesday, this the 03rd day of July - 2024

O.S No: 126 -2023

CNR No: TNCD14000348 - 2023

Soundarapandiyan,
S/o. Jeganathan

..... Plaintiff

//Versus//

Sivachandran,
S/o. Sepperumal

..... Defendant

This suit is coming on hearing before me on 25.06.2024 in the presence of Thiru. V. Mathimugam, Mrs. K. Selvapriya, and Thiru. S. Nallathambi, Advocates for the plaintiff, Thiru. Lenin, Advocate appeared for the defendant and subsequently the defendant called absent, no response, hence the defendant set-exparte and considering the plaintiff side evidence and documents and as due consideration till this date this court delivered the following

JUDGMENT

The plaintiff had filed the suit for recovery of money for a sum of Rs.5,41,333/- and interest for the borrowed amount of Rs.4,00,000/-from the date of filing this suit to the date of realization of decree amount with cost and to grant all other just and necessary reliefs.

1. Brief case of the Plaintiff:

The defendant borrowed a sum of Rs.4,00,000/- (Rupees Four Lakhs only) from the plaintiff on 10.01.2020 for family expenses and the defendant has agreed to

pay a interest at the rate of Rs.1/- per month/per hundred for the said loan amount and on the same day the defendant executed a promissory note in favour of the plaintiff. After borrowing the amount, the defendant has not re-pay any amount either the principal or interest after the plaintiff several demands to the defendant to re-pay the said principal with interest. Hence, the plaintiff issued the legal notice to the defendant on 28.10.2022. After receiving the legal notice the defendant has not re-pay any amount and not given reply to the plaintiff notice.

2. The defendant has appeared before the court but written statement not filed and called absent and set exparte on 18.04.2024.

3. On the side of plaintiff, the plaintiff was examined as PW-1 and Ex.A1 to Ex.A3 were marked and attesor of the pronote was examined as PW-2.

4. Plaint, evidence of plaintiff side and documents perused. The plaintiff try to prove his case through evidence of PW-1 and PW-2 and Ex.A1 to Ex.A3. Ex.A1 was suit promissory note executed by the defendant in favour of the plaintiff, dated 10.01.2020, Ex.A2 was legal notice sent by the Plaintiff to the defendant, dated 28.10.2022, Ex.A3 was Acknowledgement Card. The plaintiff confirming the plaint averments in the chief examination of PW1. The attesor of the suit pronote was examined as PW-2. He also deposed that on 10.01.2020 the defendant borrowed a sum of Rs.4,00,000/- from the plaintiff.

5. The defendant not filed any written statement to deny the plaint averments and signature in the suit pronote. So the court satisfied that the plaintiff has proved his case through evidence of PW-1 and PW-2 and document of Ex.A1 to Ex.A3. Hence, the court comes to the findings that the plaintiff is entitled for recovery of suit amount from the defendant.

FINDINGS:-

1.	In the result, the suit is decreed.
2.	The plaintiff is entitled for recovery of money for a sum of Rs.5,41,333/- (Rupees Five Lakhs Forty One Thousand Three Hundred and Thirty Three only) with interest at the rate of 9% per annum from the date of plaint till the date of Decree along with subsequent interest at the rate of 6% per annum from the date of Decree to till the date of realisation for the principal amount of Rs.4,00,000/- from the defendant. Time for payment is 1 month.
3.	The defendant shall bear the suit costs of plaintiff.

Directly dictated to Steno-typist and directly typed by her and corrected and pronounced by me in the Open court on this 03rd day of July – 2024.

**Sd./-Tmt. S. Uma Maheswari,
SUBORDINATE JUDGE,
NEYVELI.**

Annexure:

1. Plaintiff's side witness :-

PW1 - Soundarapandiyan
PW2 - Arikrishnan

2. Plaintiffs Exhibits :-

Ex.A1	10.01.2020	Promissory Note executed by the defendant to the plaintiff.	Original
Ex.A2	28.10.2022	Legal notice sent by the Plaintiff to the defendant	Original
Ex.A3	---	Acknowledgement Card	Original

3. Defendant side Witness :- Nil

4. Defendant Exhibits :- Nil

**Sd./-Tmt. S. Uma Maheswari,
SUBORDINATE JUDGE,
NEYVELI.**

Exparte
Draft/Fair Judgment
O.S.No.126/2023
D.O.D. 03.07.2024

