

**IN THE COURT OF THE SUBORDINATE JUDGE, KODUMUDI,
ERODE DISTRICT.**

**Present:- Thiru.M.Ramachandran, B.Com.B.L.,
Subordinate Judge, Kodumudi.**

**Monday the 6th day of January 2025
(2055 Thiruvalluvar Aandu Shri Kurothi Varudam Margazhi Matham 22nd day)**

O.S.No.316/2024

S. Gowtham

..Plaintiff

// vs //

P. Prabhu

..Defendant

This suit is coming on 03.01.2025 for final hearing before this court in the presence of Thiru.P.S. Ganapathy, Advocate for the plaintiff, the defendant remained exparte, upon hearing the plaintiff side argument, upon perusing all connected material records and having stood over till this day, for consideration, this court delivered the following:

JUDGMENT

Suit for recovery of money, directing the defendant to pay a sum of Rs.7,36,200/- to the plaintiff with interest at the rate of 18% p.a. from the date of suit till the date of realization on Rs.6,00,000/- and for costs.

2. The plaintiff filed this suit contending that, on 28.05.2023, the defendant has borrowed a sum of Rs.6,00,000/- from the plaintiff for his urgent family expenses and his other expenses and executed a Promissory note in favour of the plaintiff, agreeing to repay the said amount with interest at the rate of 18% p.a. on demand of the plaintiff or his order. In spite of repeated demands made by the plaintiff, the defendant had not paid any amount towards the principal or interest. Hence, the plaintiff issued legal notice to the defendant on 24.04.2024, the defendant received the same on 27.04.2024, but,

failed to repay the promissory note amount. Hence, the present suit.

3. Even though the defendant was received summon, but, she has failed to contest the case and left the suit to be heard exparte.

4. In order to prove his case, the plaintiff has examined himself as P.W.1 to P.W.3 and marked the Ex.A1 to A4.

5. The perusal of oral evidence of P.W.1 to P.W.3 and Ex.A1 shows that, the defendant has borrowed a sum of Rs.6,00,000/- from the plaintiff on 28.05.2023 and executed the suit Promissory note. In spite of demands made by the plaintiff, the defendant has not come forward to repay the said loan amount and failed to repay the said loan amount. In spite of legal notice under Ex.A2, the defendant received the same under Ex.A4, postal receipt Ex.A3 and but failed to repay the said loan amount. Hence, this court is of the view that, the plaintiff is entitled to recover a sum of Rs.7,36,200/- with future interest from the defendant. The conduct of the defendant in not appearing and contesting the suit even after receiving the suit summons clearly proved that, she has impliedly admitted the case of the plaintiff. In whole, the plaintiff has successfully proved his case against the defendant. Further, considering the high rate of interest agreed between the parties, this court is of the view that, the interest for subsequent period on principal amount can be reduced to 9% p.a. from the date of suit till the date of decree and to 6% p.a. from the date of decree till the date of realization. Therefore, this court is of the view that, the plaintiff has proved his case and is entitled for the relief accordingly.

In the result,

The suit is decreed by directing the defendant to pay a sum of Rs.7,36,200/- to the plaintiff and interest on the principal sum of Rs.6,00,000/- at the rate of 9% p.a. from the date of suit till the date of decree and 6% p.a.

from the date of decree till the date of realization and with costs. Time for payment two months.

Dictated to steno-typist, typed by her directly in computer, corrected and pronounced by me in open court, this the 6th day of January 2025.

Sd/-(M. Ramachandran)

Subordinate Judge,
Kodumudi.

List of exhibits marked

Plaintiff side:

Ex.A1	28.05.2023	Promissory note executed by the defendant.	Original
Ex.A2	24.04.2024	Legal notice issued by the plaintiff to the defendant.	Office copy
Ex.A3	24.04.2024	Postal receipt	Original
Ex.A4	27.04.2024	Acknowledgement card of defendant.	Original

List of witnesses examined

Plaintiff side:

P.W.1 – Gowtham (Plaintiff),
P.W.2 – Senthilkumar,
P.W.3 – Jeyaprakash.

Sd/-(M. Ramachandran)
Subordinate Judge,
Kodumudi.