

In the court of Subordinate Judge, Uthangarai.

Present: **Thiru. J.K. Dhilip, B.A., B.L.,**
Subordinate Judge, Uthangarai.

Thursday, this the 15th day of April 2021

Original Suit No. 97/2020

G. Rathinam

... Plaintiff

/versus/

M. Arunakiri

... Defendant

This suit is coming up before on 26.03.2021 for final hearing in the presence of Tr. S.R. Manickaprabu, learned counsel for Plaintiff and of Tr. M. Murugesan, Advocate for the defendant and he was called absent and set exparte, upon hearing plaintiff side and on perusal of the oral and documentary evidence and having stood over for consideration till this day, this court deliver the following:-

JUDGMENT

The Plaintiff filed the suit to recover sum of Rs. 4,70,799/-and on the principal amount of Rs.3,00,000/- from the defendant with subsequently interest from the date of suit till realization and costs.

2. The Defendant have borrowed sum of Rs. 3,00,000/- (Rupees Three Lakh only) on 10.02.2018 from the plaintiff for his urgent family expenses and business, agreeing to repay the said amount along with interest at the rate of Rs.2.00 per hundred per month. To evidence the transaction defendant have executed a A, B and C pronotes in favour of plaintiff in the presence of witness at plaintiff's house Mukkarampalli Village. Thereafter, plaintiff demanded the defendant to repay the principal and interest. Thereafter, defendant did not paid any amount towards principal or interest. Thus, plaintiff issued legal notice dated 04.03.2020 called upon the defendant have to pay the due amount and the notice was received by the defendant. Hence, suit for recovery of money.

3. Summon served to the defendant and Tr. M. Murugesan, Advocate for the defendant and he was called absent and set ex parte for non filing of written statement.

4. The plaintiff has been examined as PW1, through him Ex.A1 to Ex.A5 were marked and Mr. C. Subramani has been examined himself as PW2. On the defendant side no oral and documentary evidence.

5. The Plaintiff has been examined as PW1, he deposed in tune with his plaint. Exhibit A1 is the 'A' promissory note dated 10.02.2018, Ex.A2 is the 'B' promissory note dated 10.02.2018, Ex.A3 is the 'C' promissory note dated 10.02.2018, Ex.A4 is the office copy of legal notice dated 04.03.2020, Ex.A5 is the acknowledgment card. The evidence of PW1 and Exhibits carefully looked upon. The defendant have executed the three suit promissory notes. Defendant did not chosen to deny the case of plaintiff. Considering, the document and evidence of PW1, plaintiff have proved his case. Hence, this court inclined to decree the suit as prayed for with cost.

6. In the result, defendant is hereby directed to pay sum of Rs. 4,70,799/- with subsequent interest at 9% from dated of plaint to date of decree and 6% on the principal amount of Rs.3,00,000/- from the date of decree till realization and with costs.

Dictated to steno-typist in the open court and typed in computer, then corrected and pronounced by me in open court, this the 15th day of April 2021.

Sd/- Thiru. J.K. Dhilip, B.A., B.L.,

Subordinate Judge,
Uthangarai.

Plaintiff side witness:

- | | | |
|--------|----|---------------------------|
| 1. PW1 | .. | G. Rathinam (Plaintiff) |
| 2. PW2 | .. | C. Subramani, S/o. Chinnu |

Defendant side witness:

NIL

Plaintiff side document:

- | | | |
|--------|----|---|
| Ex. A1 | .. | 'A' promissory note dated 10.02.2018 (original) |
| Ex. A2 | .. | 'B' promissory note dated 10.02.2018 (original) |

Ex. A3 .. 'C' promissory note dated 10.02.2018 (original)
Ex. A4 .. Office copy of legal notice dated 04.03.2020
Ex. A5 .. Acknowledgment card

Defendant side documentary evidence:

..Nil...

Sd/- Thiru. J.K. Dhilip, B.A., B.L.,

Subordinate Judge,
Uthangarai.