

In the Court of the Subordinate Judge at Kanchipuram

Present: Tmt. A. Packia Jothi, M.L.,

Subordinate Judge

Friday, the 12th day of October 2018

OS.No. 136/2018

M. Manivannan

.. Plaintiff

Vs.

T. Sumathi

.. Defendant

This suit is coming on this day 12.10.2018 for hearing before me in the presence of M/s. V. Mohan, R. Kameshwari, Advocates for plaintiffs and the defendant being called absent set ex parte and upon hearing the plaintiff side and having stood over for consideration till this day, this court delivered the following

JUDGMENT

Suit is for recovery of money for a sum of Rs.8,57,666/- being the principal and interest due on a promissory note executed by the defendant in favour of the plaintiff for a sum of Rs.7,00,000/- on 09.10.2010 together with interest on Rs.5 lakhs at the rate of 24%p.a. from the date of suit till the date of realization and for costs of the suit.

2. The Plaintiff has filed the suit stating that the defendant has financial problems and she borrowed Rs. 7 lakhs from the plaintiff and executed a promissory note on 9.10.2010. The defendant often received payment from the plaintiff through her Bank Account from 2009. The plaintiff has totally paid a sum of Rs.15,69,741/-. The defendant's husband Krishnamoorthy died. She approached the plaintiff and requested Rs.15 lakhs and she executed a simple mortgage deed on 16.12.2013. Once

again she borrowed Rs. 5 lakhs on 13.06.2015. This suit has been filed for recovery of Rs. 5 lakhs alone. Hence, the defendant is liable to pay a sum of Rs. 8,57,666/- with future interest at 24%p.a.

3. The defendant has remained ex parte.

4. The issue for consideration is

1. Whether the plaintiff is entitled to the decree as prayed for?

2. To what other relief the plaintiff is entitled to?

5. On Issues :-

It is the case of the plaintiff that the defendant has financial problems and she borrowed Rs. 7 lakhs from the plaintiff and executed a promissory note on 9.10.2010. The defendant often received payment from the plaintiff through her Bank Account from 2009. The plaintiff has totally paid a sum of Rs.15,69,741/-. The defendant's husband Krishnamoorthy died. She approached the plaintiff and requested Rs.15 lakhs and she executed a simple mortgage deed on 16.12.2013. Once again she borrowed Rs. 5 lakhs on 13.06.2015. This suit has been filed for recovery of Rs. 5 lakhs alone. Hence, the defendant is liable to pay a sum of Rs. 8,57,666/- with future interest at 24%p.a. The promissory note dated 13.6.2015 executed by the defendant in favour of the plaintiff agreeing to pay Rs. 3 lakhs has been marked as Ex.A.1. The promissory note dated 13.6.2015 agreeing to pay Rs. 2 lakhs with interest has been marked as Ex.A.2. The plaintiff has sent a legal notice demanding the amount through Ex.A.3. The receipt is Ex.A.4. It has been received by the defendant as revealed from Ex.A.5 and A.6. The reply notice is marked as Ex.A.7. The defendant

has failed to pay the amount. Hence, the defendant is liable to pay a sum of Rs. 8,57,666/- along with interest on Rs. 5 lakhs at the rate of 12%p.a. from the date of plaint till the date of decree and at 6% p.a. thereafter till realization. Hence, the issues are answered accordingly.

6. In the result, suit is decreed with costs for a sum of Rs. 8,57,666/- along with interest on Rs. 5 lakhs at the rate of 12%p.a. from the date of plaint till the date of decree and at 6% p.a. thereafter till realization.

Dictated to the Shorthand writer, typed by her, corrected and pronounced by me in open court, this the 12th day of October 2018.

Sd./- A. Packia Jothi
Subordinate Judge,
Kanchipuram.

Exhibits on Plaintiff's side:

Ex.A.1	13.06.2015	Suit pronote executed by the defendant in favour of plaintiff.
Ex.A.2	13.06.2015	Suit pronote executed by the defendant in favour of plaintiff.
Ex.A.3	23.05.2018	Copy of legal notice
Ex.A. 4	--	Postal receipt
Ex.A.5	--	Postal Department Online delivery receipt
Ex.A.6	--	Complaint copy
Ex.A.7	10.07.2018	Reply notice

Witnesses on Plaintiff's side:

P.W.1 Thiru. Manivannan

Exhibits and Witnesses on Defendant's side: NIL.

Sd./- A. Packia Jothi
S.J.

Draft/Fair Judgment

O.S.No.136/2018

Sub Court, Kanchipuram

Date: 12.10.2018

