

IN THE COURT OF PRINCIPAL SUBORDINATE COURT, KARUR

PRESENT:- THIRU. C. VEDIYAPPAN, M.A.,M.L.,

Principal Subordinate Judge, Karur.

Friday, the 27th day of March, 2026

O.S. No.745/2023

(CNR.No. TNKR03-001801-2023)

K. Subramani

..... Plaintiff

/Vs/

S. Senthil kumar

.....Defendant

This suit was taken on file by this court on 18.10.2023 and came up for final hearing before me on 23.03.2026 in the presence of Mr. Pazha. Ananath, Advocate for the plaintiff and the defendant called absent being set exparte on 23.01.2026 and upon hearing the arguments, evidence of the plaintiff and upon perusing the materials available on the records and having stood over for consideration till this day, this court deliver the following;

JUDGMENT

The plaintiff filed the above suit for recovery of money for a sum of Rs.4,07,700/- with subsequent interest as against the defendant and costs of the suit.

1. Gist of the plaint averments is as follows;

1.1. The plaintiff and the defendant are known to each other. The defendant borrowed a loan for a sum of Rs.3,00,000/- for his urgent business expenses from the plaintiff on 19.10.2020 and on the same day, the defendant had executed a promissory note in favour of the plaintiff for consideration. The defendant also agreed to repay the loan amount with subsequent interest at the rate of Rs.1.00 paise per Rs.100/- per month to the plaintiff or to his order on demand. Thereafter, in spite of the repeated demands made by the plaintiff, the defendant failed to repay the loan amount as well as interest to the plaintiff. Thereafter, the defendant issued a post-dated cheque to the plaintiff on 08.08.2022, cheque bearing No.157164 for Rs.3,00,000/- drawn in favour

of the plaintiff by the defendant, drawn on Bank of India, Karur SME Branch to discharge the liability and the plaintiff has presented the above said cheque for collection with his Karur Vysya Bank, Karur Main Branch on 08.08.2022 and the same was returned and stating the reason of “Funds Insufficient” on 10.08.2022. Subsequently, the plaintiff issued a Legal Notice to the defendant on 16.08.2022, calling upon him to repay the loan amount together with the interest to the plaintiff on receipt of the Legal Notice and the same was received to the defendant’s both address on 17.08.2022. In spite of the issuance of the Legal notice, the defendant neither paid the Loan amount nor any reply. Thereafter, the plaintiff has filed a private complaint against the defendant U/s. 138 of N.I. Act on the file of the Judicial Magistrate (Fast Track) Court, Karur and the case has been transferred to Judicial Magistrate No.2 Court, Karur in S.T.C.No. 501/2022 and the same was pending. Hence, the suit.

2. On due service of summon, the defendant called absent being set exparte on 23.01.2026.

3. The plaintiff filed a proof affidavit and examined himself as PW1 and Exhibit A1 to A7 were marked. Ex. A1 is an Original Promissory note dated 19.10.2020. Ex.A2 is a certified copy of Cheque bearing No.157164 dated 08.08.2022. Ex. A3 is a certified copy of Return Memo dated 10.08.2022. Ex. A4 is an Office copy of the Legal Notice dated 16.08.2022. Ex. A5 and Ex.A6 is an original Acknowledgement Card (2 series) dated 17.08.2022. Ex.A7 is a certified copy of the complaint on the file of Judicial Magisterial No.2 Court, Karur in S.T.C.No. 501/2022 have been marked on the side of the plaintiff, with this the plaintiff side evidence is closed.

Now, the points for consideration is that whether the plaintiff has proved his case against the defendant through oral and documentary evidence ?

4. Answer to the point:-

4.1. The Plaintiff side arguments heard and record perused. On perusal of the records, it is found that the plaintiff filed the above suit for recovery of money for a sum of Rs.4,07,700/- with subsequent interest as against the defendant and costs of the suit. Even after due service of summon, the defendant called absent being set exparte on 23.01.2026. and remained till this date. In order to substantiate the case of the plaintiff, the plaintiff examined himself as PW1 and Ex. A1 to A7 were marked on the side of the plaintiff. In order to true the transaction between the plaintiff and the defendant, Ex.A1 original promissory note is marked on side of the plaintiff. In order to prove the execution of the promissory note, the plaintiff was examined the attesting scribe witness namely, Ramadass S/o. Raju as PW2 and Ex.A8 Aadhaar Card (compared with original). Moreover, during examination of PW2, he categorically deposed that the defendant had executed the Ex. A1 promissory note in favour of the plaintiff in his presence.

4.2. The Learned counsel appearing for the plaintiff submitted that the defendant has executed the suit promissory note in favour of the plaintiff on 19.10.2020, which was marked as Ex. A1 and the suit filed by the plaintiff against the defendant on 16.10.2023. Hence, the suit is filed by the plaintiff with in the statutory period. Hence, the suit may be decreed. Moreover, admittedly, the defendant never appeared before this Court and not disprove the case of the plaintiff. Therefore, nothing is on records to disbelieve and discredit the testimony of PW1, PW2 and Exhibit A1 to A8. In the absence of any contra evidence, it is presumed that the plaintiff has established his case against the defendant through oral and documentary evidence. Therefore, the plaintiff is entitled for recovery of the suit amount from the defendant as prayed for. Thus, this point is answered accordingly.

In the result, the suit is decreed as follows;

a)	Thereby, directing the defendant to pay for a sum of Rs.4,07,700/- to the plaintiff with subsequent interest at the rate of 6% per annum to the Principal amount of Rs.3,00,000/- from the date of institution of the suit till the date of realization of the decree amount.
b)	Thereby, the defendant shall bear the costs of the suit.

Dictated by me to the Typist, typed by her, and corrected by me, Pronounced by me in open court, on this the 27th day of March - 2026.

**PRINCIPAL SUBORDINATE JUDGE,
KARUR.**

Plaintiff side Witness:-

PW1	Thiru. Subramani – Plaintiff
PW2	Thiru. Ramadass

Plaintiff side Documents:-

Sl. No.	Date	Exhibits	Documents
1	19.10.2020	Ex.A1	An Original Promissory note
2	08.08.2022	Ex.A2	A certified copy of Cheque bearing No.015557
3	10.08.2022	Ex.A3	A certified copy of Return Memo
4	16.08.2022	Ex.A4	An Office copy of the Legal Notice with postal receipt
5	17.08.2022	Ex. A5 & Ex.A6	An original Acknowledgement Card (2 series)
6	-	Ex. A7	A certified copy of the complaint on the file of Judicial Magisterial No.2 Court, Karur in S.T.C.No.

			501/2022
7	-	Ex. A8	A copy of Aadhaar Card (compared with original)

Respondent side Witness and Documents:- Nil

**PRINCIPAL SUBORDINATE JUDGE,
KARUR.**