



: 1 :

IN THE COURT OF THE SPECIAL SUBORDINATE JUDGE FOR
L.A.O.P. CASES, ARAKKONAM, RANIPET DISTRICT.

PRESENT : **THIRU. G. YUVARAJ, M.A., M.L.,**
SPECIAL SUBORDINATE JUDGE,
SPECIAL SUB COURT FOR L.A.O.P. CASES,
ARAKKONAM.

Monday, the 8th day of June, Two Thousand Twenty Six

O.S. No. 144/2026
(CNR. No. TN-RP-07-000-156-2026)
(Arakkonam Sub Court O.S. No. 192/2023)

Tmt. C. Neepa

.. Plaintiff

Vs.

1. S. Shankar
 2. S. Elangovan (Died) (*) .. Defendants
- (*) *(As per the order dt. 18.09.2025, passed in I.A. No. 1/2025, death of the 2nd Defendant was recorded)*

This suit was originally filed on 28.06.2023 before the Sub Court, Arakkonam and after return and re-presentation, taken on file on 20.07.2023 in O.S. No. 192/2023 of the said court and later on, as per the Proceedings of the Hon'ble Principal District Judge, Ranipet in Dis. No. 6789/2025, dt. 19.12.2025, transferred to this court and taken on file of this court on 12.02.2026 in O.S. No. 144/2026 and came up before me on 01.06.2026 for final hearing in the presence of M/s. P. Ramamoorthy and G. Anandan, Advocates for the Plaintiff, 1st Defendant called absent, set ex-parte, Mrs. D. Suguna, Advocate for the 2nd Defendant, 2nd Defendant died during pendency of the suit, and upon perusing the records and arguments on the side of the Plaintiff and having stood over for consideration till date, this Court today deliver the following



: 2 :

J U D G M E N T

Suit for recovery of a sum of Rs.4,38,000/- with subsequent interest at the rate of 24% p.a., on Rs.3,00,000/- from the date of suit till the date of decree and 6% till realisation and for cost.

2. **Brief averments made in the plaint :** On 28.06.2020, the first defendant along with his mother Tmt. Lakshmi have jointly borrowed a sum of Rs.3,00,000/- from the Plaintiff and executed a promissory note promising to repay the said amount with interest at the rate of 24% p.a., to the Plaintiff or order. The 1st Defendant and his mother have paid interest upto 28.07.2021. Thereafter, the 1st Defendant and his mother have not paid the principal amount and interest from the month of August 2021 inspite of repeated demands made by the Plaintiff. The Defendants' mother namely Lakshmi died intestate on 28.04.2022 leaving behind her the defendants as her legal heirs and representatives to succeed her estate. On 26.09.2022, the Plaintiff had sent a legal notice to the 1st Defendant to repay the amount with interest. The 1st Defendant acknowledged the said notice. At that time, the Plaintiff was not aware of the date of death of the Defendants' mother Lakshmi. The 1st Defendant is personally liable to pay the amount due to the Plaintiff. The Defendants 1 and 2 jointly liable to pay the amount due to the defendant from and out of the estate of the deceased Lakshmi. The Plaintiff sent another legal notice dt. 24.06.2023 to the Defendants. But the same was returned as refused to receive by the Defendants. Hence the Plaintiff has filed the above suit.

3. After receipt of summons, on 04.09.2023, the 1st Defendant appeared in person and prayed time to engage Advocate and to file vakalath and written statement. But, thereafter, the 1st Defendant has not appeared and remained ex-parte.



4. On the side of the plaintiff, the Plaintiff has been examined as PW1 and through her, Ex.A1 to Ex.A6 were marked.

5. Now the points for consideration are;

- 1) Whether the Plaintiff is entitled for the suit amount?
- 2) To what other relief?

6. Perused the entire records. Heard the learned counsel for the Plaintiff.

7. The Plaintiff has filed the above suit for recovery of the suit amount due under the suit promissory note dt. 28.06.2020 executed by the 1st Defendant and his mother Tmt. Lakshmi. In order to substantiate the case of the Plaintiff, the Plaintiff had deposed as P.W.1 by filing Proof affidavit in consonance with the plaint averments and the suit promissory note dt. 28.06.2020 has been marked as Ex.A1. From the Ex.A1 promissory note, it reveals that, on 28.06.2020, the 1st Defendant and his mother have jointly borrowed a sum of Rs.3,00,000/- from the Plaintiff agreeing to repay the same on demand with interest at the rate of Rs.2/- per Rs.100/- per month, that is, 24% p.a.. Thereafter, since the 1st Defendant and his mother have not repaid the amount due to the Plaintiff, on 26.09.2022, the Plaintiff had issued Ex.A2 legal notice to the 1st Defendant and his mother and the same was acknowledged by the 1st Defendant alone. In the meantime, since the 1st Defendant's mother was died, the Plaintiff issued Ex.A4 legal notice to the 1st Defendant and his brother 2nd Defendant and the said notices were returned unserved vide Ex.A5 and A6.

6. At the time of filing the suit, the Plaintiff had impleaded the 2nd Defendant, being the legal heir of his deceased mother Lakshmi. During the pendency of the suit, since the 2nd Defendant was also died, his death has been



reported and his legal heirs have not been impleaded as he had not inherited any property left by his mother and prayed to pass decree as against the 1st Defendant alone.

9. The 1st Defendant having received summons from the court, has deliberately failed to contest the case and rebut the presumption available in favour of the Plaintiff u/s. 118 of the Negotiable Instruments Act. Therefore, this Court invoke and draw adverse inference as against the 1st Defendant under section 114, illustration (g) of the Indian Evidence Act. As the Plaintiff has proved the execution of the suit promissory note, the presumption under Section 118 of Negotiable Instrument Act also would strengthen the case of the Plaintiff. Looking at any angle, the suit is needfully required to be decreed as prayed for.

11. IN THE RESULT, the suit is decreed and thereby, the 1st Defendant is directed to pay the principal amount of Rs.3,00,000/- together with interest at the rate of 12% per annum from 29.07.2021 to till date and thereafter at the rate of 6% per annum till date of realization. The 1st Defendant is also directed to pay cost of the suit to the Plaintiff.

Directly typed by me in my Laptop, corrected and pronounced by me in the open court on this the 8th day of June 2026.

Special Subordinate Judge,
Special Sub Court for L.A.O.P. Cases,
Arakkonam.



Annexure :

Plaintiff side witness :

PW.1 – Tmt. Neepa (Plaintiff)

Plaintiff side exhibits :

Ex. A1	28.06.2020	Suit Promissory note – Original
Ex.A2	26.09.2022	Office copy of the Legal Notice
Ex.A3	06.10.2022	Postal acknowledgment card of the 1 st defendant
Ex.A4	24.06.2023	Office copy of the Legal Notice
Ex.A5		Returned postal cover of the 1 st Defendant
Ex.A6		Returned postal cover of the 2 nd Defendant

Defendants side witness :

Nil

Defendants side exhibits :

Nil

Special Subordinate Judge,
Special Sub Court for L.A.O.P. Cases,
Arakkonam.

S.S.C. (L.A.O.P.), ARAKKONAM,
DRAFT / FAIR JUDGMENT
in O.S. No. 144/2026
Dated : 08.06.2026