

In the Court of the Subordinate Judge, Mettur
Present: Thiru.S.Muthuraman, B.L.,
Subordinate Judge, Mettur.
Friday, the 09th day of February 2024
(Subhakerithu Varudam Thai Month 26th day)
O.S.NO: 295 of 2023
CNR.NO: TNSA160007152023

Sakthivel

... Plaintiff

/Versus/

Gopal

... Defendant

This suit coming up for final hearing on 09.02.2024 before this Court in the presence of Tr.S.Peter Raj, Advocate for Plaintiff and Tr.R.Sivaraman Advocate for the defendant and after that the defendant was called absent set exparte and upon hearing the arguments of the plaintiff side and perusing the records, having stood over for consideration till this date, this Court delivered the following:

Judgment

1) The plaintiff herein has filed this suit for Recovery of Money, to pass a decree against the defendant for a sum of Rs.2,84,167/- with subsequent interest and costs of the suit.

2) The averments made in the plaint is as follows:-

That on 01.05.2022, the defendant borrowed a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) from the plaintiff for their urgent family expenses and on the same day the defendant has executed a suit Pronote infavour of the plaintiff. It will be repaid on demand with interest at the rate of R 6π.1/- per Rs.100/- per month to the plaintiff. The plaintiff made a several attempt to discharge the said loan amount, even after a several demand made by the plaintiff orally and the defendant herein not choose to discharge the loan amount. Hence, this plaintiff filed this suit for Recovery of Money.

3) On received the summon from this Court, the defendant was not appeared before this Court and called absent, set exparte.

4) Point for consideration is, whether the plaintiff is entitle for the claim as prayed for?

5) In order to prove the case of plaintiff, the plaintiff himself Tr.Sakthivel, S/o.Kandasamy examined as PW1 through him Exhibit A1 to A4 was marked and the side of defendant no oral and documentary evidence let in.

6) Heard on the side of plaintiff. The plaintiff also reiterated the plaint averments by way of proof affidavit. Admittedly, in this case, the allegations made in the plaint are not denied by the defendant herein by either let in oral evidence nor through documentary evidence. On seeing, the exhibits marked by the plaintiff, the Exhibit A1 is Pronote executed by the defendant infavour of plaintiff and marked through PW1. Which are clearly and vividly proved the claim of the plaintiff.

7) As per the documents which were marked as Exhibit A1 is clearly shows that the defendant herein has to pay the said loan amount along with interest and also shows that the defendant was in defaulter. The marked documents Exhibit A1 to A4 are proved, that the cause of action of this case and the marked documents are clearly established that the plaintiff is proved his claim through documentary evidence. It is settled preposition of the law, that in the absence any contra evidence, it has to be presumed that the plaintiff proved his case. Hence, this court come to conclusion that the plaintiff proved the case with oral and documentary evidence. Accordingly, the point is answered in his favour.

8) In the result, the defendant is directed to pay a sum of Rs.2,84,167/- together with subsequent interest of 9 % per annum from the date of plaint till the date of decree on the principle amount of Rs.2,50,000/- and thereafter 6% per annum till its realization and cost of the suit.

Dictated to the typist and computerized by her, and corrected and pronounced by me in the open court, this the 09th day of February 2024.

Subordinate Judge,
Mettur.

Plaintiff side Evidence :

PW1 Sakthivel , S/o.Kandasamy,

Plaintiff side Exhibits :

Exhibit A1	01.05.2022	Pronote	Original
Exhibit A2	15.06.2023	Legal Notice	Office Copy
Exhibit A3	16.06.2023	Acknowledgement Card	Original
Exhibit A4	06.07.2023	Patta	Xerox Copy

Defendant side Evidence and Exhibits: Nil.

Subordinate Judge,
Mettur.

O.S.No. 295/2023

Date: 09.02.2024

Plaintiff side evidence closed.
Arguments heard today,

Judgment pronounced

In the result, the defendant is hereby directed to pay a sum of Rs.2,84,167/- (Rupees Two Lakhs Eighty Four Thousand One Hundred and Sixty Seven only) together with subsequent interest of 9 % per annum from the date of plaint till the date of decree on the principle amount of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) and thereafter 6% per annum till its realization and cost of the suit.

Subordinate Judge,
Mettur.