

**IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE,
MACHILIPATNAM.**

PRESENT: **Smt. V.Devi Sai Srivani,**

PRINCIPAL JUNIOR CIVIL JUDGE, MACHILIPATNAM.

Friday, this the 28th day of April, 2023

O.S.No.571 of 2022

Between:

Nemalikanti Jaya Lalitha, W/o. Srinivas, Hindu,
Aged 50 years, Housewife, R/o. D.No.13-328-1,
Nizampet, Machilipatnam, Krishna District.

... Plaintiff

A N D

Ghantasala Sitarama Krishna Mohan, Hindu,
Aged 55 years, Senior Assistant, Tahsildar
Office, Challapalli, Challapalli Mandal, Krishna
District.

... Defendant

This suit is coming before me on 27.04.2023 for final hearing in the presence of Sri Ch.V.Phani Kesava Rao, Advocate for the Plaintiff and the defendant remained *exparte*, and the matter is having stood over for consideration till this day and this Court delivered the following:

J U D G M E N T

1. This suit is filed by the plaintiff against the defendant for recovery of Rs.1,01,500/- (Rupees one lakh one thousand and five hundred only) in favour of plaintiff and also for costs of the suit.

2. The averments of the plaint in brief, are as follows:

The plaintiff gave an amount for three times each transaction of Rs.25,000/- (total Rs.75,000/-) through phone pay on 02.08.2021 and again for Rs.25,000/- on 03.08.2021 by way of account transfer to defendant (total Rs.1,00,000/-) and they orally agreed to repay the same with interest @ Rs.12% per annum. Later, in spite of repeated demands made by the plaintiff, the defendant did not repay the debt amount to plaintiff. Finally, on 24.08.2022 the plaintiff got issued legal notice to defendant and the same was

received by defendant and got issued reply on 07.09.2022 with false averments. Hence, present suit.

3. On the other hand, the defendant failed to file his written statement. Hence, the defendant was set *exparte* in the suit. Thereafter set aside petition was filed by the defendant and it was dismissed for default as batta not paid and notice was given to other side.

4. Now the point for determination is :-

“whether the plaintiff is entitled for the suit amount as prayed for”?

5. On behalf of the plaintiff, she herself was examined as P.W.1 and Exs.A.1 to A.3 documents are marked on her behalf.

6. Heard the learned counsel for plaintiff. Perused the record.

POINT:-

7. To prove her case, the plaintiff filed her chief examination affidavit by reiterating the contents of the plaint and got marked Exs.A.1 to A.3. Ex.A.1 is the statement of account copy of plaintiff; Ex.A.2 is the legal notice of plaintiff, dated 24.08.2022 and Ex.A.3 is the reply notice of defendant, dated 07.09.2022.

8. The chief examination affidavit of plaintiff/P.W.1 and the documents i.e., Exs.A1 to A.3 have clearly proves the case of the plaintiff. On perusal of Ex.A.1/ Bank statement account copy of plaintiff itself shows that Rs.25,000/- was paid in three transactions amount into Rs.75,000/- on 02.08.2021. Ex.A.1 also shows that another transaction was done on 03.08.2021 for Rs.25,000/- to the defendant. Therefore, as per Ex.A.1 it is clear that plaintiff paid Rs.1,00,000/- to the defendant. Ex.A.2 and A.3 are proving the

demand made by plaintiff against defendant to repay the due amount. Moreover, the evidence of plaintiff remains unchallenged. Therefore, this court came to a conclusion that the plaintiff has proved her case with her evidence both oral and documentary and that she is entitled to recover the suit amount from the defendant. Accordingly, this point is answered in favour of plaintiff.

9. **To what relief:**

IN THE RESULT, the suit is **DECREED** with costs in favour of the plaintiff against the defendant for a sum of Rs.1,01,500/- (Rupees one lakh one thousand and five hundred only) with subsequent interest at 6% per annum on principal amount of Rs.1,00,000/- from the date of suit till realization.

Typed to my dictation by Personal Assistant, corrected and pronounced by me in open Court, this the 28th day of April, 2023.

**Principal Junior Civil Judge,
Machilipatnam.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PLAINTIFF

P.W.1 : N. Jaya Lalitha.

FOR DEFENDANT

... None ...

DOCUMENTS MARKED

FOR PLAINTIFF:

Ex.A.1: Statement of account copy of plaintiff.

Ex.A.2: Legal notice of plaintiff, dated 24.08.2022.

Ex.A.3: Reply notice of defendant, dated 07.09.2022.

FOR DEFENDANT :

... Nil ...

**Principal Junior Civil Judge,
Machilipatnam.**