

S.C.C. No 742/2024
CNRWBSP07-002072-2024

Order Dated 22/07/2024

Plaintiff files hazira. Defendant takes no step. This day is fixed for ex-parte hearing. It appears from the record that the defendant has not turned up after service of summons. Hence, the suit has been fixed for ex-parte hearing.

It further appears from the record that the plaintiff has not filed money lending license as required under the Bengal Money Lender's Act. In the circumstances, a penalty of Rs.75/- is imposed upon the plaintiff under Section 13(2) of the Act. A challan showing deposit of Rs.75/- is filed by the plaintiff.

Plaintiff is examined as PW-1. Through his evidence, the pro-note is marked as exhibit-1. Heard submissions of the Ld. Lawyer appearing for the plaintiff. Considered.

It appears from the plaint as well as deposition of P.W-1 that the plaintiff gave a sum of Rs. 7,500/- to the defendant as loan on 10/08/2021 on the basis of the pro-note. Since the defendant has not repaid the said loan amount, the plaintiff has filed this suit for recovery of the same. The evidence of P.W.-1 remains unchallenged. I find no reason to disbelieve the unchallenged testimony of P.W.-1. Considering the evidence of P.W.-1, exhibit-1 and other materials on record, I am of the view that the plaintiff has been able to prove his case made out in the plaint and as such, he is entitled to get the decree as prayed for.

Court fees paid is correct.

Hence, it is,

Ordered

that the suit be and the same is decreed ex-parte against the defendant with cost. The defendant is directed to pay the decretal amount to the plaintiff within (3) three months failing which, the plaintiff shall have liberty to put the decree into execution.

D/C by me

Judge, SCC, Sealdah

Judge,
SCC, Sealdah
(J.O.CODE WB00917)