

IN THE COURT OF ADDITIONAL MUNSIFF-II,
THIRUVANANTHAPURAM

Present : Sri.Arun Kumar.P, Additional Munsiff II
On Monday 26th day of September, 2022/ 4th Aswina, 1944.

OS.146/2021

Plaintiff: -

S.Sundaram, aged 53 years,
S/o.Subbaiah, TC 50/1391,
Kaliyil Veedu, Thaliyal,
Karamana.P.O.,
Thiruvananthapuram,
Pin- 695002.

By Adv. Sri.Thomas A John

Defendant: -

E.Esakkiappan @ Kannan,
Aged 52 years, S/o.Esakki Muthu Achary,
South Pillaiyar Kovil -54, Vadakkankulam,
Thirunelveli District, Tamil Nadu,
Pin- 627 116.

Exparte

This suit is having been finally heard on 26/09/2022 and
the court on the same day delivered the following.

J U D G M E N T

Suit for recovery of money

2. Plaintiff averments are in brief as follows:- The defendant and plaintiff are close relatives. The plaintiff is running a small shop on wheels. The defendant had approached the plaintiff for a loan of Rs.40,000/- (Rupees Forty thousand only) for his urgent personal requirement on the specific undertaking that the amount will be returned within a span of one month. After one month, the plaintiff approached the defendant and requested to repay the said amount. But the defendant had not cared to repay the said amount till date. Thereafter the plaintiff had issued a demand advocate notice on 23/12/2020. The defendant is evading the payment of the said amount citing one excuse or another. Hence the plaintiff prays to realise an amount of Rs.46,800/- (Rupees Forty six thousand eight hundred only) with interest at the rate of 12% per annum from the defendant and his assets. Hence the suit.

3 Though the summons served to the defendant but he did not turned up not represented and was called absent and set exparte.

4. From the side of the plaintiff, the plaintiff was examined as PW1 and five documents were marked as Exts.A1 to A4 and A4(a).

5. Heard the counsel for the plaintiff

6. The only point that arise for consideration is whether the plaintiff is entitled to get the relief sought for.

7. PW1 filed affidavit in lieu of examination in chief which is in consonance with plaint averment. From the uncontroverted testimony of PW1 and Exts.A1 to A4, A4(a) documents the plaintiff had established his case warranting the grant of relief sought for. Hence the issues are answered in the affirmative.

In the result, the suit decreed with costs
Plaintiff is entitled to realise an amount of Rs.46,800/-
(Rupees Forty six thousand eight hundred only) with 12%

future interest from the date of suit till the date of decree and then with an interest at the rate of 6% from the date of decree till realisation and cost of the suit from the defendant and his assets.

(Dictated to C.A., transcribed by her, corrected and pronounced by me in open court on this the 26th day of September, 2022).

Sd/-
Arun Kumar.P
Additional Munsiff I

APPENDIX :-

Exhibits marked for the plaintiff:

A1	23/10/2020	Computer print of statement of account
A2	22/05/2020	Savings bank pass book
A3	23/12/2020	Copy of Advocate notice
A4	23/12/2020	Postal receipt
A4(a)	26/12/2020	Postal Acknowledgment Card

Exhibits marked for the defendant: Nil

Witness for the plaintiff:

PW1 12/08/2022 S.Sundaram

Witness for the defendant: Nil

Court Exhibits :Nil

Id/-

Additional Munsiff- II

//True Copy//

Additional Munsiff- II

Typed by:Anooja

Compared by:

FCS:

True Copy of Judgment in O.S.146/2021
Dated:26/09/2022