



IN THE COURT OF SUBORDINATE JUDGE, ALANDUR.

PRESENT: Tr. R.A.S.ANANDARAJ, B.A., B.L.,

Subordinate Judge, Alandur.

Friday, the 7th day of August, 2026.

O.S. No.217 of 2024

(CNR No. TNCG09001893-2024)

D. Sankaralingam

... Plaintiff

.Vs.

1. T. Ayyakannu

2. A. Sampath Kumar

3. A. Satish Kumar

... Defendants

The suit having been heard in the presence of M/s. Gary Gilmour Godwin, S. Satish, Learned Counsel for the Plaintiff and the defendants remained *exparte* from the beginning, and the case having stood over for my consideration till this day, I delivered the following

J U D G M E N T

The plaintiff has filed the suit for recovery of Rs.7,52,450/- with interests.

2. The crux of the plaint is as follows:-

a.) That the defendants are his close relatives. The first defendant is his wife's sister's Husband and the Second and Third Defendants are First

Defendant's two sons. The defendants had jointly approached the Plaintiff in his house during the month of September 2016 and requested the Plaintiff to monetarily support them by lending money in the form loan for conducting the marriage of the second defendant and assured the Plaintiff that the money borrowed would be repaid as early as possible. The Plaintiff considering that the defendants were his relatives had agreed to lend them money for the marriage expenses of the Second Defendant without charging any interest. The Plaintiff had paid in total a sum of Rs.7,02,700/-.

b.) The defendants had also partially repaid the money lent by the Plaintiff on various dates to a tune of Rs.4,30,250/- as on 13.12.2016. That subsequently during 17.11.2017, the defendants came to the Plaintiff house and sought Rs.3,00,000/- towards their family expenses. The defendants have there after not paid back any amount to the Plaintiff but have been only continuously borrowing from the Plaintiff citing financial difficulty and financial need, adding to the existing outstanding amount. The defendants had borrowed Rs.50,000/- on 20.07.2019 from the plaintiff and thereafter on August 2019 the defendants borrowed a further sum of Rs.25,000/- from the plaintiff and subsequently on 28.07.2021 a sum of Rs.50,000/- was borrowed by the defendants from the plaintiff, the same is also reflected in the Axis Bank, Thorapakkam Branch Account Statement of the plaintiff and subsequently on 16.08.2021 the defendant borrowed from the plaintiff a sum of Rs.1,55,000/-.

As on 13.09.2021 the defendants have to jointly and severally pay the plaintiff a sum of Rs.7,52,450/-.

c.) The details of money paid by the Plaintiff to the defendants on various dates and the details of partial repayments made by the defendants to the Plaintiff on various dates and the balance amount of Rs.7,52,450/-, which the defendants are jointly and severally liable to pay to the Plaintiff are more fully stated in Statement of Accounts dated 13.09.2021. The defendants have jointly borrowed all the aforesaid amounts for their family needs and are jointly and severally liable to repay the same to the Plaintiff.

d.) The Plaintiff had sent a Letter dated 12.07.2024 to the First defendant by RPAD. The Plaintiff was constrained to issue a Final Remainder Letter to the defendants on 10.08.2024 by way of RPAD. The defendants till date have not come forward to repay the remaining Principal Amount. That above callous failure on the part of the defendants to repay the remaining Principal Amount to the Plaintiff clearly reveals the defendant's malafide intention to willfully cheat the Plaintiff of his lawful dues, which is unlawful and unjustifiable. Hence, the suit.

2. The defendant failed to appear before this court and hence was called absent and set exparte. The plaintiff examined himself as P.W.1 and Ex. A1 to Ex.A6 were marked and on the side of the plaintiff.

3. **Point for consideration is:-**

Whether the plaintiff is entitled to get relief as prayed for?

Point :-

4. Heard and perused the records. The plaintiff have filed the above suit for directed the defendants are jointly and severally Liable to pay a sum of Rs.7,52,450/- and for costs. Though the defendant remained exparte, as per Section 101 of the Indian Evidence Act, the burden of proof is upon the plaintiffs to prove the case. In order to prove the case the plaintiff examined herself as PW1 and marked A1 to A6. It is seen from the plaint that the loans are alleged to have been advanced to all the defendant jointly on various dates on 13.12.2016- Rs.4,30,250/-, on 17.11.2017- Rs.3,00,000/-, on 20.07.2019 - Rs.50,000/- August, 2019 – Rs.25,000/-, On 28.07.2021 Rs.50,000/- on 16.08.2021 Rs. 1,55,000/-. It was further contended that after giving credit to the repayments a sum of Rs.7,52,450/- was the due. The Pw1 had also deposed on the said lines.

5. But in the Ex.A1 is the statement alleged to have been acknowledged by the 2nd defendant dated 13.09.2021. It is seen that the alleged loans were on different dates and for different purposes. While that be so, the different loans ought to be recovered within the limitation of 3 years from the said loan transaction. The suit was filed only on 16.08.2024. While that be so, the claim in respect of the loan dated 16.08.2021 others would be hit by the limitation. Even for the alleged loan, the plaintiff had not filed any documents to

substantiate his claim of payment, except the Ex.A1 acknowledgment alleged to be signed by the 2nd defendant. In the said acknowledgment it was stated that it was given to the 1st defendant. The case of the plaintiff is that it was given to all the 3 defendants jointly. There was no proof filed for the same. While that be so, the claim made by the plaintiff for a sum of Rs.7,52,450/- jointly and severally from the defendants was not at all acceptable. The point is answered against the plaintiff.

6. In the result, the suit is dismissed.

Dictated to Steno-Typist, typed directly in the system was corrected and pronounced by me in the Open Court on this the 7th day of August, 2026.

Subordinate Judge,
Alandur.

APPENDIX

Plaintiff's side Witnesses:-

1. PW1 - D. Sankaralingam

Plaintiff's Side Exhibits:-

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| 1. | 13.09.2021 | Copy of Statement of Accounts |
| 2. | - | Copy of Bank Statement of the plaintiff dated 01.07.2021 to 31.07.2021 |
| 3. | 12.07.2024 | True Copy of Letter |
| 4. | - | Acknowledgment Card |
| 5 | 10.08.2024 | Final Remainder Letter issued by the plaintiff to defendants along with postal receipts (3 Nos.) |
| 6. | - | Postal tracking |

SJ/ Alandur.