

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

CORAM

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

C.S.No.902 of 2002

R.Ravinder Kumar

... Plaintiff

..Vs..

M/s.Coronet Constructions,
Represents by its Proprietor
Mr.A.Mohamad Yaseen,
No.103, R.K.Mutt Road,
Mandaveli,
Chennai-28.

... Defendant

Plaint filed under Order VII Rule 1 of O.S. Rules under Order VII
Rule 1 of C.P.C. praying to pass a judgment and decree:-

a) For a sum of Rs.1,32,26,808/- with future interest at the rate of
3% per month being the contractual rate on the principle amount of
Rs.39,28,600/- from the date of plaint till the date of realisation.

b) To pay the cost of the suit.

For Plaintiff : Mr.T.Nirmaleswar

For Defendant : No appearance

J U D G M E N T

The suit is filed for recovery of a sum of Rs.1,32,26,808/- with interest at the rate of 3% p.m. on the principal amount of Rs.39,28,600/- from the date of suit till date of realisation.

2.The defendant though entered appearance have not taken steps to contest the suit by filing the written statement. The defendant was originally set ex-parte on 07.03.2013. An application to condone the delay of 2644 days in filing written statement was allowed on 20.07.2016 subject to conditions. Since, the defendant did not comply with the conditions it was set ex-parte on 05.09.2017. Ex-parte evidence was recorded on 14.09.2017. Plaintiff has been examined as PW-1, and Exs.P-1 to P-8 have been marked. Ex.P-1 is the reconstructed copy of loan agreement dated 06.05.1995. Ex.P-2 (series) the original 158 promissory notes. Ex.P-3 is the reconstructed copy of letter dated 25.04.1998. Ex.P-4 is the reconstructed copy of the letter dated 20.04.2001. Ex.P-5 is the statement of accounts, Ex.P-6 (series) of 95 dis-honoured cheques. From

the evidence of PW-1 and the documents filed, the plaintiff has established that the defendant borrowed monies from the plaintiff and he had not repaid the same. Hence, the suit is decreed for a sum of Rs.1,32,26,808/- with interest at 18% p.a. On Rs.39,28,600/- from the date of suit till today, and at 6% p.a. from the date of decree till the date of realisation with costs.

21.12.2017

KP

Index : No

Internet : Yes

Speaking Order

To

The Sub Assistant Registrar,
Original Side,
High Court,
Madras.

सत्यमेव जयते

WEB COPY

List of the witnesses examined on the side of the plaintiff:

P.W.1 - R.Ravinder

List of Exhibits marked on the side of the plaintiff:

<u>Exhibit No.</u>	<u>Description Of Documents</u>
Ex.P-1	Court reconstructed copy of loan agreement dated 06.05.1995.
Ex.P-2	(series) are the original 158 promissory notes.
Ex.P-3	Court reconstructed copy of letter dated 25.04.1998.
Ex.P-4	Court reconstructed copy of letter dated 20.04.2001.
Ex.P-5	Copy of statement of accounts as of 31.10.2002.
Ex.P-6	(series) are the original 95 dishonoured cheques.
Ex.P-7	Original sale deed No.1574 of 1990 dated 13.06.1990.
Ex.P-8	Certified copy of encumbrance certificate dated 11.10.2002.

List of the witnesses examined on the side of the defendant: Nil

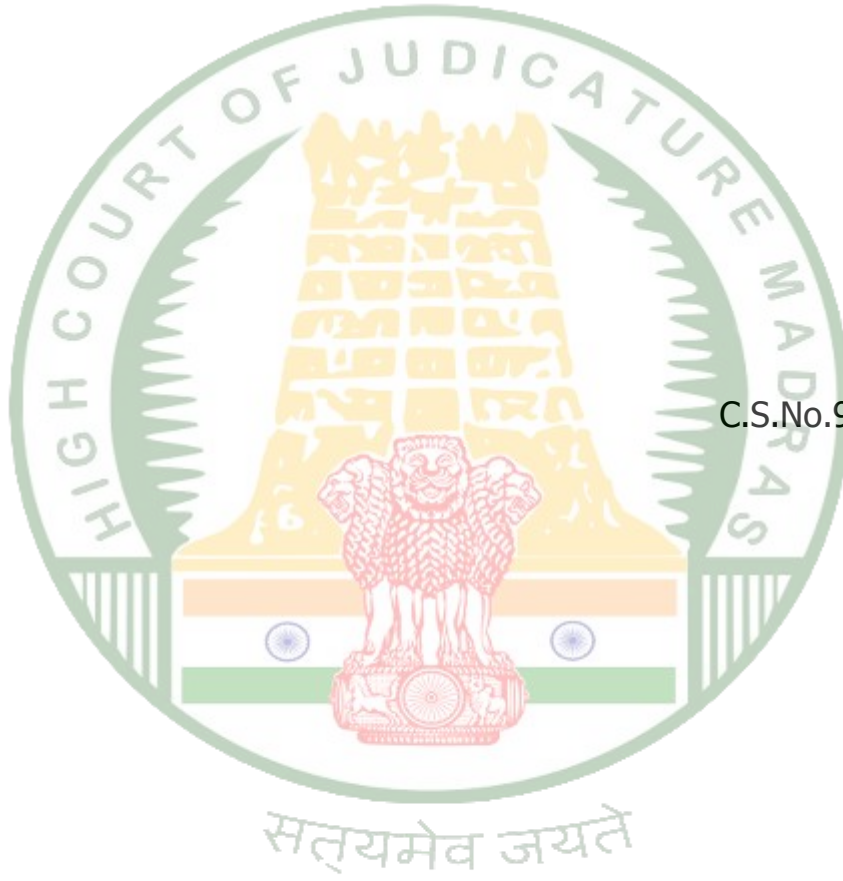
List of Exhibits marked on the side of the defendant: Nil.

21.12.2017

KP

R.SUBRAMANIAN, J.

KP



C.S.No.902 of 2002

WEB COPY

21.12.2017