



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

S.A. 375 of 2019

Suriyamoorthy

...Appellant/Appellant/Plaintiff

Vs

1. Prakash

2. Kamalaveni

...Respondents/Respondents/defendants

Prayer: The Second Appeal is filed under Section 100 of CPC, against the Judgment and decree dated 17.07.2018 made in A.S. No.22 of 2017 on the file of the Additional District Judge (Fast Track Court), Villupuram confirming the Judgment and Decree dated 14.12.2016 made in O.S. No.215 of 2014 on the file of the I Additional Subordinate Judge, Villupuram.

For Appellants : Mr.C.Munusamy

JUDGEMENT

The plaintiff, who has lost the suit before both the courts below has filed the present Second Appeal.

2. The plaintiff has filed a suit for recovery of a sum of Rs.2,51,933/- on promissory note. The case of the Plaintiff is that the defendants have borrowed a sum of Rs.2,00,000/- on 05.06.2011 and executed a promissory note in favour of the Plaintiff. When the plaintiff demanded money, they refused to pay the same. In the above circumstances, the Plaintiff has filed the suit for recovery of money.

3. The defendants have contested the suit denying the borrowal of Rs.2,00,000/- and also the execution of promissory note in favour of Plaintiff. However, they have admitted that the plaintiff is being a money lender in the year 2011, the defendants have borrowed a sum of Rs.60,000/- from the plaintiff and executed a promissory note in favour of plaintiff's wife and also executed a sale agreement in his favour, and he has been continued to pay the interest. However, the plaintiff has issued a legal notice on 05.11.2012, seeking for recovery of money, and



8. Considering all the materials on facts, both the courts below have concurrently held that the plaintiff has failed to prove the promissory note and dismissed the Suit, and I do not find any perversity and illegality in the judgment and decree passed by the courts below. I do not find any substantial question of law arises for considering the present Second Appeal. In the result, the present Second Appeal stands dismissed. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

rpp

To

1.The Addl. District Judge (Fast Track Court),
Villupuram.

2.The I Additional Subordinate Judge, Villupuram

+1 cc to Mr.C.Munusamy Advocate sr 21063

S.A. 375 of 2019

rsk(co)
aa06/03/2019