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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.01.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
C.S.No.939 of 2015

Mrs.RM Indra

... Plaintiff

R.Palaniappan

Vs

... Defendant

Plaint filed under order IV Rule 1 of O.S. Rues read with Order VII Rule 1 of C.P.C., praying for judgment and decree as follows:

- i)
- ii)For directing the defendant to pay to the plaintiff a sum of Rs.33,77,616/- together with interest at 24% per annum on the principal sum of Rs.23,35,000/- from the date of plaint till the date of realization
- iii)For directing the defendant to pay the costs of this suit and
- iv)For such other reliefs

v)

For Plaintiff : Mr.A.Chidambaram

For Defendant : Set ex-parte on 31.10.2018

JUDGMENT

The suit has been instituted for recovery of Rs.33,77,616/- along with interest at the rate of 24% per annum on the principal sum of Rs.23,35,000/- from the date of plaint till the date of realization.

2. The plaintiff has come up with the suit contending that the defendant used to borrow money from her for his medical shop business every now and

then and on various dates, he borrowed a total sum of Rs.23,35,000/- on execution of 8 promissory notes. Though the defendant had agreed to pay the same on demand, but inspite of repeated demands made by the plaintiff, the defendant neglected to pay the amount. Hence, the suit.

3. Despite receipt of suit summons, the defendant did not enter his appearance to defend the suit. Hence, he were set ex-parte on 31.10.2018.

4. The plaintiff examined herself as PW1 and her evidence narrated the transaction between the parties and also produced the original promissory Notes, Ex.P1 to Ex.P8, dated 01.05.2011, 04.05.2011, 01.08.2011, 22.01.2012, 01.10.2012, 01.10.2012, 21.10.2012, 01.09.2013 and Ex.P9 is the original returned legal notice cover dated 19.02.2014.

5. The oral evidence of PW1 and the documents, Exs.P1 to P9 would reveal that the defendant has borrowed a sum of Rs.23,35,000/- from the plaintiff and executed 8 Promissory Notes, but have not settled the loan amount so far.

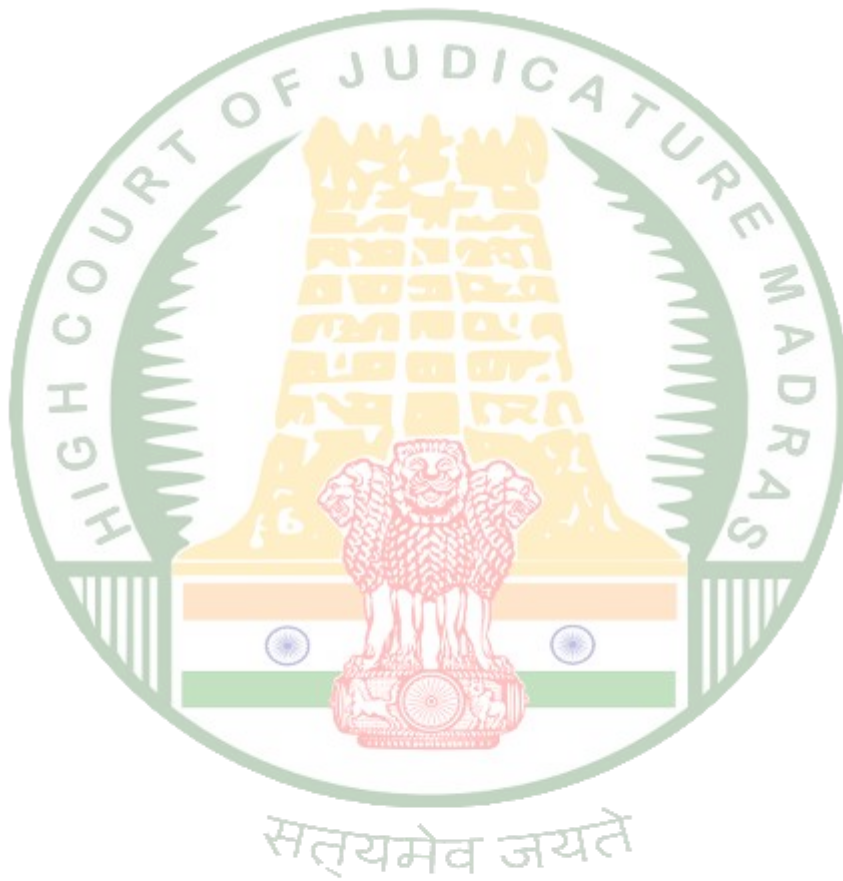
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6. Taking into consideration, the pleadings, the evidence of P.W.1 and Exs.P1 to P9, this Court is of the view that the plaintiff has proved his case and entitled to decree sought for in the suit. Accordingly, the Suit stands decreed

with costs. However, the plaintiff is entitled for interest at 6% on Rs.23,35,000/- from the date of suit till the date of realisation.

23.01.2019

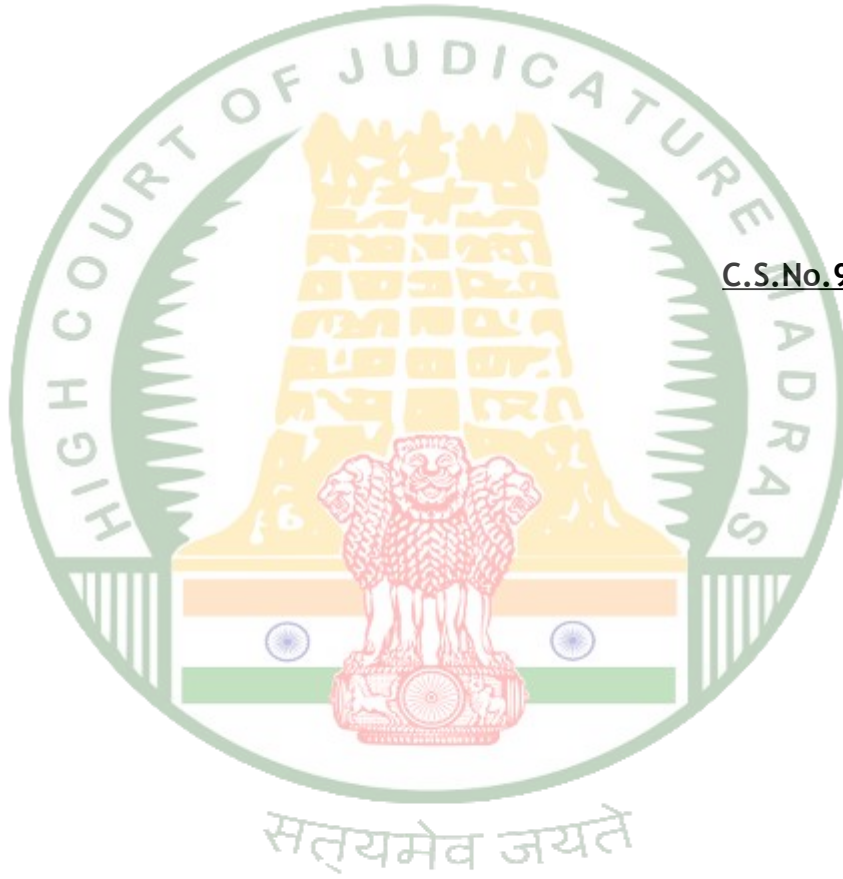
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To

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



C.S.No.939 of 2015

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