



C.S.NO.35 OF 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.NO.35 OF 2018

Mrs.K.Vijayakumari

.. Plaintiff

VS.

Mr.K.Subramanian

.. Defendant

PRAYER: Civil Suit filed under Order IV Rule 1 of High Court Original Side Rules 1956 read with Order VII Rule 1 of Civil Procedure Code for the following reliefs :

(a) Directing the defendant to pay a sum of Rs.1,66,00,000/- (Rupees One Crore Sixty Six Lakhs Only);

(b) Directing the defendant to pay interest @ 24% on Rs.1,00,00,000/- (Rupees One Crore Only) from the date of plaint i.e., 30.11.2017 till the date of the decree and thereafter, at the same rate, till the date of realization;

(c) Directing the defendant to pay the costs of the suit.

For Plaintiff : Ms.R.V.Gayathri

For Defendant : Set *exparte*



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J U D G M E N T

WEB COPY

The Suit has been filed for recovery of the amount of Rs.1,66,00,000/- (Rupees One Crore Sixty Six Lakhs Only) with interest.

2.It is the case of the plaintiff that the defendant has borrowed a sum of Rs.2,00,00,000/- (Rupees Two Crore Only) from the plaintiff and executed two promissory notes each for a sum of Rs.1,00,00,000/- on 01.03.2015. The plaintiff has already filed a Suit in respect of one of the promissory notes in C.S.No.873 of 2016 and the present Suit is filed after obtaining leave from this Court. Despite the legal notice dated 30.09.2016, the amount has not been paid by the defendant. Hence, the present Suit.

3.Despite service of notice, the defendant remained *exparte* and set *exparte*.

4.On the side of the plaintiff, plaintiff was examined as P.W.1 and Exs-P.1 to P.3 were marked. P.W.1 spoken about the nature of the transaction and the amount advanced to the defendant and also spoken about



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the execution of the promissory notes by the defendant. Ex-P.1 is the original promissory note between the defendant and the plaintiff dated 01.03.2015; Ex-P.2 is the office copy of the notice sent by the plaintiff's counsel to the defendant dated 30.09.2016; Ex-P.3 is the xerox copy of the acknowledgment card from the defendant to the plaintiff's counsel dated 01.10.2016.

5.The documents and the execution of the promissory notes remains un-challenged. In the absence of any rebuttal evidence, the plaintiff has to succeed the Suit. Therefore, this Court is of the view that the plaintiff is entitled to a decree as prayed for. Accordingly, the Suit is decreed as prayed for with subsequent interest @ 6% per annum from the date of decree till the date of realization with costs.

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Index : Yes/No
Neutral Citation: Yes/No
Speaking / Non-speaking order
TK



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LIST OF WITNESSES EXAMINED ON THE SIDE OF THE PLAINTIFF

P.W.1 – K.Vijayakumari

LIST OF DOCUMENTS MARKED ON THE SIDE OF THE PLAINTIFF

<i>Sl.No.</i>	<i>Exhibits</i>	<i>Description of documents</i>	<i>Date</i>
1	P-1	Original promissory note between the defendant and the plaintiff	01.03.2015
2	P-2	Office copy of the notice sent by the plaintiff's counsel to the defendant	30.09.2016
3	P-3	Xerox copy of the A.D. Card from the defendant to the plaintiff's counsel	01.10.2016

LIST OF WITNESSES EXAMINED ON THE SIDE OF THE DEFENDANT – NIL

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N.SATHISH KUMAR, J.

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