



WEB COPY

SA No. 265 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

**SA No. 265 of 2026 and
CMP No.8831 of 2026**

R.Gopi, S/o. Ramachandran,
Res. at No.111, Pillaiyar Koil Street,
Kizhuppam Villae and Post,
Arakkonam Taluk,
Ranipet District.

..Appellant(s)

Vs

B.Geetha, W/o. S.C.Balakrishnan,
Res. at 12/37, Pachiappan Street,
Mogapair East,
Chennai-37.

..Respondent(s)

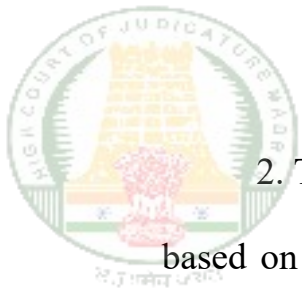
Prayer: Second Appeal filed under Section 100 of CPC to set aside the Judgment and Decree passed by the II Additional District and Sessions Judge, Arakkonam, Ranipet District, dated 28.11.2025 in AS No. 13 of 2025, confirming the Judgment and Decree passed by Subordinate Court at Arakkonam in OS No. 172 of 2021 dated 19.03.2024.

For Appellant(s):

Ms.S.Ambika
for Mr. K.Venkateswaran

JUDGMENT

The unsuccessful defendant in a suit in O.S.No.172 of 2021 is the appellant herein.



2. The respondent/plaintiff filed the above said suit for recovery of money based on the promissory note and it was decreed by the trial court. The first appeal filed by the defendant was dismissed by the first appellate court. Aggrieved by the concurrent findings of the courts below, the defendant has filed the present second appeal.

3. According to the respondent/plaintiff, the defendant had been conducting an unregistered chit. In the said chit transaction, a sum of Rs.4,00,000/- was due to the plaintiff to be paid by the defendant and it was utilised by the defendant for his family expenses. Therefore, the defendant executed the suit promissory note in favour of the plaintiff on 06.09.2018, agreeing to repay the same with interest. In spite of several demands made by the plaintiff, the defendant failed to repay the said amount with interest, as agreed. Therefore, the plaintiff issued a legal notice to the defendant on 05.07.2021 calling upon him to repay the amount. The defendant gave a reply on 17.07.2021 raising false allegations, for that, the plaintiff also issued a rejoinder to the defendant. However, there was no plausible response from the defendant and hence, the plaintiff laid suit for recovery of money.

4. The defendant filed a written statement, raising the plea that his sister Nirmala was conducting a chit and in the said chit transaction, a sum of Rs.3,85,000/- was due to one Hari to be paid by her sister and for proper



repayment of the amount due to him, she executed two blank promissory notes in favour of Hari as security. According to the defendant, later, the above said

Hari obtained signatures of the defendant and his sister Nirmala in two blank non judicial stamp papers on 06.09.2018, since the earlier promissory notes lost its validity and the said documents have been utilised by the plaintiff to file the present suit for recovery of money. The defendant also admitted that one document was executed in the name of Rajammal, mother of Hari and the other document was executed by the defendant in favour of one Geetha, the plaintiff. It was further stated by the defendant that at the time of execution of document as security for proper payment to Hari, no amount was received by the defendant and hence, he sought for dismissal of the suit.

5. Before the trial court, on the side of the plaintiff, she was examined as PW1 and one witness was examined as PW2 and 6 documents were marked as Ex.A1 to Ex.A7. On the side of the defendant, he was examined as DW1 and no document was marked on her side.

6. The trial court, on appreciation of evidence available on record, came to the conclusion that the suit claim was proved by the plaintiff and decreed the suit. Aggrieved by the same, the defendant filed an appeal in A.S.No.13 of 2025 on the file of II Additional District and Sessions Judge, Arakkonam and the first appellate court dismissed the appeal, affirming the findings of the trial



court. Challenging the concurrent findings of the courts below, the defendant has preferred the present second appeal.

WEB COPY

7. The learned counsel for the appellant/defendant would submit that there was no money transaction between the plaintiff and the defendant and the suit promissory note was executed only as security for the amount due to one Hari by the defendant's sister Nirmala. Therefore, according to him, the courts below committed an error in decreeing the suit. The learned counsel for the appellant further submitted that when the plaintiff failed to prove passing of consideration for the suit promissory note, the decree passed by the courts below are liable to be set aside.

8. It is seen from the pleadings of the parties that though the defendant denied the execution of suit promissory note, his signature in the suit promissory note was admitted by him. According to the defendant, there was a chit transaction between his sister Nirmala and one Hari and for the amount due to the said Hari by his sister Nirmala, the defendant signed the blank non judicial stamp papers, as a security and the said document has been utilised by the plaintiff to file the present suit. Therefore, the defendant admitted his signature in the suit promissory note.



9. In order to prove the execution of promissory note, apart from her own evidence as PW1, the plaintiff also examined the attesor to the suit promissory note as PW2 and he deposed in favour of the plaintiff. In the light of fact that the signature found in the suit promissory note has been admitted by the defendant and also based on the evidence of attesor to the promissory note, who was examined as PW2, the courts below came to the conclusion that due execution of promissory note was proved. When execution of promissory note is proved, the plaintiff is entitled to the benefit of presumption under Section 118 of Negotiable Instruments Act regarding passing of consideration.

10. The defendant, even though raised a plea that the suit promissory note was executed as security for the amount due by his sister Nirmala to one Hari, in order to prove the said transaction, the defendant has not produced any document like account books of chit, etc. The defendant failed to examine any independent witness to substantiate his contentions raised in the written statement. The only evidence available on the side of the defendant is his interested testimony and the same is not sufficient to accept the contentions raised by the defendant in the written statement. Both the courts below, on proper appreciation of evidence available on record, came to the conclusion that the claim of the plaintiff was proved and decreed the suit. I do not find any perversity in the findings reached by the courts below to interfere with the same.



11. Accordingly, the second appeal stands dismissed, as there is no substantial questions of law arising for consideration in the second appeal.

There shall be no order as to costs. Connected miscellaneous petition is closed.

10-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MST

To

1. The II Additional District and Sessions Judge,
Arakkonam.

2. The Subordinate Judge, Arakkonam.



WEB COPY

SA No. 265 of 2



S.SOUNTHAR, J.

MST

SA No. 265 of 2026

10-04-2026