

IN THE COURT OF THE PRL.SENIOR CIVIL JUDGE AT KOTHAGUDEM.

Friday, this the 17th day of June, 2016.

Present: Sri B.Sathaiah
Addl.Senior Civil Judge,
Kothagudem,
FAC.Prl.Senior Civil Judge,
Kothagudem.

S.C.S.No.1 of 2016

Between:

Vutala Naga Laxmi, W/o.V.Rajeswar Rao, age.32 years,
Occ.House hold, R/o.H.No.12-2-236/2, Burma Camp,
Kothagudem Town and mandal, Khammam District.

... Plaintiff.

And

Putti Ramulu, S/o. Gnana Das, age.45 Yrs,
Occ: III General Mazdoor in V.K.No.7 Incline of S.C.Co.Ltd,
Kothagudem Area, vide E.C.No.0293140,
R/o. Q.No.: BK-6/1 & 6/2, Burma Camp,
Kothagudem Town and Mandal, Khammam District.

...Defendant.

This Small Cause Suit is coming before me for final hearing on 01.06.2016 in the presence of Sri K.Sridhar, Advocate for the plaintiff, and respondent remained ex parte, upon perusal of material papers on record, upon hearing the arguments on both sides and having stood over for consideration till this day, this court delivered the following:

JUDGMENT

The plaintiff V.Naga Laxmi seeking recovery of money from the defendant P.Ramulu filed this suit.

2. The plaint averments are that: both plaintiff and defendant got acquaintance with each other, out of which the defendant borrowed Rs.5,000/- from the plaintiff on 17.11.2014 for meeting his family necessities and in that regard the defendant executed promissory note in favour of plaintiff at Kothagudem Town promising to repay it with interest

@ 24% per annum and as and when demanded by the plaintiff. But thereafter though many demands made by the plaintiff to repay the loan amount, the defendant did not repay it. So also, issuance of legal notice on 18.01.2016 which was received by the defendant on 19.01.2016 also did not give any result as the defendant as usually did not repay the due amounts. Hence, the plaintiff seeking to recover the due amounts upto the suit claim of Rs.5,500/- along with costs and future interest and praying for its decree filed this suit also stated both parties are non-tribes and cause of action arose at non-agency area i.e., Kothagudem Town and the suit is filed within limitation and finally prayed to decree the suit.

3. The defendant set exparte and not contested the matter and thereby not put-up any resistance to the plaintiff claim. On the other hand, the plaintiff besides filing proof affidavit in lieu of chief examination herself examined as P.W.1 and deposed before the court entirely repeating the plaint averments once again as she stated that considering the defendant's request, out of acquaintance she advanced loan of Rs.5,000/- to the defendant on 17.11.2014 at Kothagudem town under execution of promissory note by the defendant in her favour. But the defendant just became defaulter in discharging his liability as he never made any payment to her. Hence, she is entitled to recover upto the suit claim of Rs.5,500/- along with future interest from the defendant and further Ex.A1 to A3 are also got marked in the evidence of PW1. Ex.A1 Original Promisory note dt.17.11.2014 is also disclosing the plaintiff herein advancing loan of Rs.5,000/- to the defendant at Kothagudem and agreed interest @24% per annum. So also, Ex.A2 is the Office copy of legal notice and Ex.A3 is postal receipt. The oral evidence of P.W.1 and Ex.A1

promissary note is not being disputed by the defendant who even not contested the case the said evidence proved plaintiff claim.

4. In the result, the suit is decreed for Rs.5,500/- with costs and interest @12% per annum from the date of suit till the date of decree and further interest @6% per annum from the date of decree till the realization on the principal sum of Rs.5,000/- holding the defendant liable.

Dictated to the Personal Assistant, transcribed by her, corrected and pronounced by me in open court on this the 17th day of June, 2016.

**ADDL.SENIOR CIVIL JUDGE,
KOTHAGUDEM,
FAC.PRL.SENIOR CIVIL JUDGE,
KOTHAGUDEM.**

Appendix of Evidence
Witnesses examined

For Plaintiff:

For Defendant:

P.W.1: V.Naga Laxmi(Plaintiff)

Exhibits Marked.

For Plaintiff:

For Defendant:

Ex.A1: Promissory note dated 17.11.2014
Ex.A2: Office copy of legal notice dt.18.01.2016
Ex.A3: Acknowledgement dt.19.01.2016.

-None-

**ADDL.SENIOR CIVIL JUDGE,
KOTHAGUDEM.
FAC.PRL.SENIOR CIVIL JUDGE,
KOTHAGUDEM.**

Corrections carried out by me:

