

HIGH COURT FORM NO. (J) 2.

HEADING OF JUDGMENT IN ORIGINAL SUIT.

IN THE COURT OF MUNSIFF NO. 3 AT GUWAHATI.

DISTRICT-KAMRUP

Money Suit Case No. 57/2012

Present:

Naguib Ahmed. A.J.S
M.Sc (Agriculture), LL.B.
Munsiff No.3, Guwahati.

31st day of August, 2012

Sri. Jayram Das

S.O: Late Bangaram Das.

R.O: Natun Path, Hatigaon

P.S: Hatigaon

Guwahati

District: Kamrup (M), Assam.....: Plaintiff(s)

-Versus-

Sri. Ranjit Gogoi.

S.O: Late Jagat Gogoi

R.O: House No. 260/ A/II, B.V.F.C Ltd,

Colony Namrup

P.S: Namrup

District: Dibrugarh, Assam.....: Defendant(s)

This suit coming on for final hearing on 17.08.2012 in the presence of:-

1. Monalisha Deka

2. Kongkona Choudhury

3. Alakananda Chakraborty : Advocate for the plaintiff(s).

And

1. **None** : **Advocate for the defendant(s).**

and having stood for consideration to this day, the court delivered the following Judgment.

JUDGEMENT
(A suit for realization of money)

1. **Plaintiff's case:** The plaintiff was serving in *Hindustan Fertilizer Corporation Limited* which has been renamed as *Brahmaputra Valley Fertilizer Corporation Limited*, Namrup and retired as Asst. Plant Engineer (Mechanical) in the year 2002. The plaintiff knew the family of the defendant since many years. The defendant is a businessman and in his business purposes he used to visit Guwahati often, to meet the plaintiff and his family members. On 19.03.2009 the defendant requested the plaintiff to give a loan of Rs. 1, 00,000/- (One Lakh) only to help him in his personal business and the plaintiff on account of his good relation gave the said amount to the defendant. The defendant acknowledged the same, and executed the promissory note with a promise to return the same within 2 (Two) months. The defendant signed the same in presence of attesting witnesses. Thereafter on failure of the defendant to return the loan amount, the plaintiff issued pleader's notices on 29.06.2010 and 06.07.2011 demanding the repayment of the loan amount. However the defendant did not return the amount till today.

2. **Plaintiff's prayer:**

The Plaintiff under the circumstances prayed to pass decree in-favour of the plaintiff to pay a sum of Rs. 1,00,000/- (One Lakh) only along with interest @ 12%, the cost of the suit and other relief to which the plaintiff is entitled too.

3. Accordingly summons was issued to the defendant. However the suit proceeded ex-parte against the defendant.
4. The plaintiff submitted his evidence as ***PW-1*** and mostly reiterated the plaint story. The following document was exhibited by the plaintiff.

Exhibit-1 : Promissory Note.

Exhibit-2 : Pleader's Notices.

Exhibit-3 : Pleader's Notices.

5. **PW-2 Sri. Rupankar Thakur** is the attesting witness of the promissory note. PW-2 also deposed that on the request of the defendant the plaintiff gave him Rs. 1, 00,000/- (One Lakh) only on 19.03.2009. The defendant acknowledged the same and executed a promissory note with a promise to return the loan amount within 2 (Two) months. Exhibit-1(b) is the signature of PW-2.
6. **PW-3 Sri. Shammi Ahmed** is the second attesting witness of the promissory note. PW-3 also deposed that the request of the defendant the plaintiff gave him Rs. 1, 00,000/- (One Lakh) only on 19.03.2009 and the defendant acknowledged the same and executed a promissory note with a promise to return the amount within 2 (Two) months. Exhibit-1(C) is the signature of PW-3.
7. Heard learned counsel for the plaintiff. There is no discrepancy in the evidence of the PWs. As the defendant did not contest and the suit proceeded ex-parte, there is no reason to disbelieve the pleadings of the plaintiff as well as the evidences of the PWs. The documents exhibited by the plaintiff are duly proved and the suit is filed within time. The evidence of the plaintiff remained un-rebutted.

In light of all the court finds that the plaintiff has been able to prove its case.

8. **ORDER**

The suit is accordingly decreed with cost.

Defendant Sri. Ranjit Gogoi is liable to pay Rs. 1, 00,000/- (One Lakh) only at 12% rate of interest from the due date of payment as per Exhibit-1 till payment is received.

Prepare decree accordingly.

Given under my hand and seal of this court on **31st day of August 2012.**

Naguib Ahmed

APPENDIX

Plaintiff's Witnesses

PW- 1: Sri. Jayram Das

Exhibit-1 : Promissory Note.
Exhibit-2 : Pleader's Notices.
Exhibit-3 : Pleader's Notices.

PW- 2: Sri. Rupankar Thakur .

Exhibit-1(B) : His signature.

PW- 3: Sri. Shammi Ahmed

Exhibit-1(C) : His signature.

Defendant's Witnesses

None

*Naguib Ahmed
Munsiff No.-3, Kamrup,
Guwahati.*