

**IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT, AIZAWL
MIZORAM**

Money Suit No.68/2011

R.Thansanga,
S/o Vaivenga (L)
RTS Building, House No.C/45
Chanmari West, Aizawl.

.....Plaintiff.

-Versus-

1. Wood Craft, Manufacturing Co.Pvt.Ltd.
Through its Director, Regional Office/Factory,
Industrial Estate, Zuangtui, Aizawl.
2. Mr.Lalchunglura Chhangte,
Director, Wood Craft, Manufacturing Co.Pvt.Ltd.
Industrial Estate, Zuangtui, Aizawl.
3. Mrs.Zarzoliani@Zovi,
W/o Mr.Lalchunglura Chhangte,
C/o Wood Craft, Manufacturing Co.Pvt.Ltd.
Industrial Estate, Zuangtui, Aizawl.

.....Defendant.

BEFORE

R.VANLALENA, Senior Civil Judge-2

For the Plaintiff : Shri W.Sam Joseph, Advocate.

For the Defendants:

Date of Judgement: 29.6.2012.

JUDGEMENT AND ORDER

29.6.2012

The brief facts of the case leading to the filing of the instant suit M.S.No.68 of 2011 may be briefly stated as below:

The plaintiff is a citizen of India belonging to Mizo Community and is residing at Chanmari West, Aizawl. He is having a private teak plantation at Muallungthu Village, Darkhuang Ram which is outside the Forest Reserve Area, The said Teak trees had been planted way back in the year 1985/1986 and got registration with the Environment & Forest Department vide Memo No.B.12018/15/2005-DFO(A)/480-85 dated Aizawl the 7th July 2005.

The Divisional Forest Officer, Aizawl Forest Division, Aizawl, Mizoram issued a permit in favour of the plaintiff for felling of 540 nos. of Teak trees belonging to the plaintiff grown in his private plantations of Muallungthu, Darkhuang Ram, vide Memo No.B.12018/12/2010-DFO(A)1896-99 dated 24th August 2010. After obtaining the said Permit, the Teak trees with 26" girth at minimum had been cut down and made into pieces of logs of 7ft. long. For this purpose, the plaintiff had paid a sum of Rs.5400/- to

the Forest Department as an Administrative charges at a rate of Rs.10/- per tree and thus obtained a receipt for the same.

The defendants had agreed to purchase the Teak logs which had been cut down from the plaintiff's private plantation. Accordingly, 1505 logs of 7 feet long each had been supplied to the Defendants. In addition to this, the plaintiff had supplied 268 logs of shorter length of 5 feet and below to the Defendant. For which the Defendants issued receipts documents to the plaintiff on every day they received the teak logs. The Defendants maintained ledger containing measurements of the logs received by them and the payments made to the plaintiff as shown in the Schedule B of the plaint. The defendants conceded that the amount due to the plaintiff which they have to pay is Rs.2,00,916/- (Rupees two lakhs, nine hundred sixteen only) as they had paid Rs.2,10,000/- out of total price of teak logs i.e.4,10,916/-. And the Defendants still failed to pay the dues till date. Hence the cause of action arose when the defendants took teak logs from the plaintiff and on 05.04.2011 when the Defendants No.3 on behalf of Defendants No.1&2 accepted and acknowledged the balance of Rs.2,00,916/- to be paid to the plaintiff. As the plaintiff and the Defendants are residing within Aizawl district, this court has territorial jurisdiction. The plaintiff being a house tax paying native of Mizoram has paid Rs.4966/- as a court fees.

The plaintiff therefore prays the following reliefs:-

- 1) A decree directing the Defendants to pay Rs.2,00,916 to the plaintiff.
- 2) A decree directing the Defendants to pay interest @16% per annum to the plaintiff over the amount of Rs.2,00,916 with effect from 05.04.2011.
- 3) Any other relief to which the plaintiff is entitled according to Justice, Equity and Good conscience.

During the course of this suit, the Defendants had been summoned for the first time on 08.07.2011 to show cause as to why the prayer of the plaintiff shall not be granted fixing dt.3.8.2011 for further proceeding. However, the Defendant did not turned up in person or through counsel. Summons had been issued for a number of times. All the Defendants duly received the summons dated 14.11.2011 but still did not turned up in court nor engaged a lawyer. After sufficient times had been given to Defendants, the court passed an order for ex-parte proceeding as the Defendants still failed to appear in court till 09.01.2012. Hence the case had been proceeded without the written statement of the defendants. The plaintiff submitted his examination in chief on affidavit as per order 18 of CPC on 6.3.2012.

In his examination in chief, the plaintiff more or less the same repeated the statements which he had stated and mentioned in his plaint. He exhibited the following documents:-

- 1) Ex-P-1 is a copy of certificate of Registration.
- 2) Ex-P-2 is a copy of Permit.
- 3) Ex-P-3 is a copy of Receipts.
- 4) Ex-P-4(a) -(y) are copies of Logs Receipts.
- 5) Ex-P-5 is a copy of writing of Defendant No.3.
- 6) Ex-P-6 is a copy of Ledger with amount maintained by Defendants.

As had mentioned earlier, the Defendants failed to appear and submit their respective written statements in contest of the case despite summons duly served to them. This court has no other option but to proceed in their absence and pass a

necessary order as it has been presumed that the Defendants have nothing to say in this case.

Accordingly, this court has come to a conclusion to pass an order granting the relief claimed by the plaintiff. However, the relief granted will be confined only to serial No.1&2 with an alteration and deduction in the rate of interest as permissible. The instant money suit is therefore, hereby decreed as follows:-

- 1) The Defendants shall pay Rs.2,00,916/- (Rupees two lakhs and nine hundred sixteen) only to the plaintiff within a period of two months from this order.
- 2) The rate of interest shall be Rs.6% per annum over the amount of Rs.2,00,916/- w.e.f. 05.04.2011 till full realization.

Plaintiff shall bear his own cost.

Having decided finally and decreed as above, the instant suit is hereby disposed of.

Pronounced in open court in presence of plaintiff.

Sd/-R.VANLALENA
Senior Civil Judge – II
Aizawl District : Aizawl.

Memo No. /SCJ-I I(A)/2012: Dated Aizawl the 26th June,2012.

Copy to:

1. The District and Sessions Judge, Aizawl District, Aizawl, Mizoram for information.
2. R.Thansanga, S/o Vaivenga (L) RTS Building, House No.C/45, Chanmari West, Aizawl C/o W.Sam Joseph, Advocate.
3. Wood Craft, Manufacturing Co.Pvt.Ltd. Through its Director, Regional Office/Factory, Industrial Estate, Zuangtui, Aizawl.
4. Mr.Lalchunlura Chhangte, Director, Wood Craft, Manufacturing Co.Pvt.Ltd.
Industrial Estate, Zuangtui, Aizawl.
5. Mrs.Zarzoliani@Zovi, W/o Mr.Lalchunlura Chhangte, C/o Wood Craft, Manufacturing Co.Pvt.Ltd. Industrial Estate, Zuangtui, Aizawl.
6. Registry Section.
7. Case record.

PESHKAR

