

**IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT,
AIZAWL MIZORAM
Civil Suit No.53/2010**

Mizoram Rural Bank,
Aizawl Branch, Zarkawt, Aizawl, Mizoram
(Represented by its Chief Manager)

.....Plaintiff.

-Versus-

1. Shri Rorelkima
S/o Malsawmliana
R/o Thakthing, Tlang Veng, Aizawl.
2. Shri Malsawmliana
R/o Thakthing Veng, Aizawl, Mizoram.
3. Shri R.Lalvuana,
R/o Tuikual South, Aizawl, Mizoram.

.....Defendant.

**BEFORE
R.VANLALENA, Senior Civil Judge-2**

For the Plaintiff : Shri L.R.Tluanga Sailo, Advocate.

For the Defendants:

Date of Judgement: 6.3.2012.

JUDGEMENT

6.3.2012

1. This is Civil Suit filed by the plaintiff Bank through its Chief Manager, Mizoram Rural Bank, Aizawl Branch against the defendants (1) Shri Rorelkima, S/o Malsawmliana R/o Thakthing, Tlang Veng, Aizawl. (2) Shri Malsawmliana, R/o Thakthing Veng, Aizawl, Mizoram (3) Shri R.Lalvuana, R/o Tuikual South, Aizawl, Mizoram for recovery of Rs.3,92,478/- (Rupees three lakhs, ninety two thousand, four hundred seventy eight) only from the three defendants with interest @ 13% per annum w.e.f.06.03.2010.

2. That at a relevant time, the defendant No.1 approached the plaintiff bank for and applied for small scale industry loan on dt.07.03.2006 for an amount of Rs.5,00,000/- (Rupees five lakhs) only for setting up of plumbing and sanitary fittings. The defendant accepted and agreed to abide by the terms and conditions of loan. He produced a copy of LSC No.Az1.860 of 1992 as a security for his loan and thus get mortgaged. The defendants No.2 & 3 stood as Guarantors to the loan availed by the defendant No.1 and thus executed a Guarantor Agreement in favour of the plaintiff on dt.07.03.2006 for the loan amount of Rs.5,00,000/- (Rupees five lakhs) only. Accordingly, the plaintiff sanctioned a loan of Rs.5,00,000/- (Rupees five lakhs) only to the defendant No.1 and disbursed the said amount to the defendant No.1 on 07.03.2006.

3. That in spite of all the agreement entered into and executed by the defendant No.1, he neglected to regularize his loan Account in violation of the terms and conditions of the said loan. The plaintiff demanded and requested the defendant No.1 to make payment of loan overdue and to regularize the loan account, the said defendant paid no heed to the plaintiff. Consequently, the plaintiff Bank approached this court and filed the present suit for recovery of the said loan overdues.

4. During the course of proceeding, the defendants were summoned and were given chances for filing their written statement but failed to submit the same. The defendant No.1 submitted a photo copy of Bank payment slip (counterfoil of Deposit Form) for an amount of Rs.5000/- on 28.11.2011 which showed that he once made a payment of his loan by depositing Rs.5,000/- into the plaintiff Bank. Again, the defendant No.1 submitted a photo copy of Bank Payment slip (counter foil of Bank Deposit Form) on 16.02.2012 for an amount of Rs.5,000/- which too show that he is repaying his loan on 8.2.2012 by deposit of the said amount. Making of payment by deposit of cash into the plaintiff's Bank clearly imply that the defendant No.1 is admitting his loan overdues and non submission of written statement within sufficient times also meant that he has nothing to contest against the suit and admitted the case.

5. As the defendants impliedly admitted this case, this court is of the opinion to pass an order for further repayment of loan as under :-

ORDER

That the defendant No.1 Shri Rorelkima S/o Malsawmliana R/o Thakthing Veng, Aizawl shall make repayment of the said loan overdues by depositing cash into the plaintiff Bank, MRB, Aizawl Branch on monthly basis at a monthly installment of Rs.7800/- (Rupees seven thousand eight hundred) only w.e.f. the month of April 2012 till full realization of the loan overdue with the fixed rate of Rs.13% per annum. In case, the defendant fails to repay the said loan in full amount, the mortgaged LSC No.860 of 1992 shall be auctioned and sold for recovery of the loan dues.

With this order, the present suit stands disposed of.

Give copy of this order to all concerned.

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

Memo No. /SCJ-I I(A)/2012: Dated Aizawl the 6th March, 2012.
Copy to:

1. The District and Sessions Judge, Aizawl District, Aizawl, Mizoram.
2. Mizoram Rural Bank, Aizawl Branch, Zarkawt, Aizawl, Mizoram
(Represented by its Chief Manager)
3. Shri Rorelkima, S/o Malsawmliana, R/o Thakthing, Tlang Veng, Aizawl.
4. Shri Malsawmliana, R/o Thakthing Veng, Aizawl, Mizoram.
5. Shri R.Lalvuana, R/o Tuikual South, Aizawl, Mizoram.
6. Shri L.R.Tluanga Sailo, Advocate concerned.
7. Registry Section.
8. Case record.

PESHKAR

