

**IN THE COURT OF SENIOR CIVIL JUDGE- 1
AIZAWL DISTRICT :: AIZAWL**

MONEYSUIT NO. 52 OF 2012

Plaintiff:

State Bank of India
Through the Assistant General Manager
Aizawl Branch- Aizawl

By Advocates

: 1. Mr. M.M. Ali
2. Mr. H. Lalremruata

Versus

Defendants:

1. Smt. Lalbiakliani
W/o Lalrinawma
Chairman, Samari Self Help Group
Lily Veng, Aizawl
2. Smt. Laldingpuii
W/o Lalbiakdika
Secretary, Samari Self Help Group
Lily Veng, Aizawl
3. Smt. Irene L.R. Chhungi
W/o Vanlalsawma
Lily Veng, Aizawl
Member, Samari Self Help Group
4. Mr. Lalrochama
S/o Sangmuani
Lily Veng, Aizawl
Member, Samari Self Help Group
5. Smt. Lalmuankimi
D/o Lalchhunga
Lily Veng, Aizawl
Member, Samari Self Help Group
6. Mr. M.C. Lalnunthuanga
S/o Lalrempuia
Lily Veng, Aizawl
Member, Samari Self Help Group

7. Smt. Lalnunpuii
D/o Lalsawma
Lily Veng, Aizawl
Member, Samari Self Help Group
8. Smt. Robuangi
D/o Vanlalzuata
Lily Veng, Aizawl
Member, Samari Self Help Group
9. Smt. Zosangzeli
D/o Lalrinsanga
Lily Veng, Aizawl
Member, Samari Self Help Group
10. Smt. Vanlalnghaki
D/o C. Vanlawma
Lily Veng, Aizawl
Member, Samari Self Help Group
11. Mr. Lalnunsiamia
S/o Lianmawia
Lily Veng, Aizawl
Member, Samari Self Help Group

By Advocates : _____

Date of hearing : 23-08-2012

Date of Judgment & Order : 23-08-2012

BEFORE

Dr. H.T.C. LALRINCHHANA, MJS
Senior Civil Judge- 1
Aizawl District: Aizawl

JUDGMENT & ORDER

This is a suit for recovery of Rs. 4,05,716/- (Rupees four lakhs, five thousand seven hundred and sixteen) due to the plaintiff with an interest at 12% per annum with effect from 01/05/2012 till realization in full from the defendants. As per the agreements of parties Dt. 16/06/2009, the plaintiff Bank realized loan amounting to Rs. 3,00,000/- (Rupees three lakhs) with an interest rate @ 12 % per annum to be repaid for 60 months commencing from Sept., 2009, the defendants thereby failed to repay the same in time hence the instant suit. Requisite court fees at Rs. 7,180/- is also paid by the plaintiff.

The defendant no. 1 appeared the court on today on behalf of other defendants and admitted all averments and submissions in the plaint in toto.

Upon hearing of both parties and on perusal of case records, I am satisfied that no issues on any question of law or of fact had arisen in the instant suit for further proceeding of the case. O. XII, R. 6 of the CPC reads thus-

“6. Judgment on admissions— (1) Where admissions of fact have been made either in the pleading or otherwise, whether orally or in writing, the Court may at any stage of the suit, either on the application of any party or of its own motion and without waiting for the determination of any other question between the parties, make such order or give such judgment as it may think fit, having regard to such admissions.

(2) Whenever a judgment is pronounced under sub-rule (1) a decree shall be drawn upon in accordance with the judgment and the decree shall bear the date on which the judgment was pronounced.”

Reliance may also be taken in **Divisional Manager, United India Insurance Co. Ltd. and Anr. Vs. Samir Chandra Chaudhary** in connection with Appeal (civil) 3663 of 2005 decided on 14/07/2005 reported in 2005 (1) Suppl. SCR 613, 2005 (5) SCC 784, 2005 (5) SCALE 470, 2005 (6) JT 289, it was held that-

“The effect of admission is that it shifts the onus on the person admitting the fact on the principle that what a party himself admits to be true may reasonably be presumed to be so, and until the presumption is rebutted, the fact admitted must be taken to be established. An admission is the best evidence that an opposing party can rely upon, and though not conclusive is decisive of matter, unless successfully withdrawn or proved erroneous. (See Narayan Bhagwantrao Gosavi Balajiwale v. Gopal Vinayak Gosavi and Ors., AIR (1960) SC 100).”

Thus, it is hereby ORDERED and DECREED that the defendants (who are jointly liable) are directed to repay the loan outstanding amounts @ Rs. 4,05,716/- (Rupees four lakhs, five thousand seven hundred and sixteen) due to the plaintiff with an interest at 12% per annum with effect from 01/05/2012 till realization in full. The defendants are further directed to pay costs of the suit at Rs. 17,180/- (Rs. 10,000/- as lawyers fee + Rs. 7,180/- as court fees) with an interest rate at 12% per annum with effect from today. The defendants are further directed to realize the said amount within two months from the date of this order.

With this order, the case shall stand disposed of.

Give this copy to both parties along with decree.

Given under my hand and seal of this court on this 23rd August, 2012 Anno Domini within the premises and during the working hours of this court and is pronounced in an open court.

Dr. H.T.C. LALRINCHHANA

Senior Civil Judge - 1

Aizawl District: Aizawl

Memo No. MS/52/2012, Sr. CJ (A)/

Dated Aizawl, the 23rd August, 2012

Copy to:

1. Assistant General Manager, State Bank of India, Aizawl branch- Aizawl through Mr. M.M Ali, Advocate
2. Smt. Lalbiakliani W/o Lalrinawma, Chairman, Samari Self Help Group, Lily Veng, Aizawl through Mr. M.M Ali, Advocate
3. Smt. Laldingpuii W/o Lalbiakdika, Secretary, Samari Self Help Group, Lily Veng, Aizawl through Mr. M.M Ali, Advocate
4. Smt. Irene L.R. Chhungi W/o Vanlalsawma, Lily Veng, Aizawl, Member, Samari Self Help Group through Mr. M.M Ali, Advocate
5. Mr. Lalrochama S/o Sangmuani, Lily Veng, Aizawl, Member, Samari Self Help Group through Mr. M.M Ali, Advocate
6. Smt. Lalmuankimi D/o Lalchhunga, Lily Veng, Aizawl, Member, Samari Self Help Group through Mr. M.M Ali, Advocate
7. Mr. M.C. Lalnunthuanga S/o Lalrempuia, Lily Veng, Aizawl, Member, Samari Self Help Group through Mr. M.M Ali, Advocate
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9. Smt. Robuangi D/o Vanlalzuata, Lily Veng, Aizawl, Member, Samari Self Help Group through Mr. M.M Ali, Advocate
10. Smt. Zosangzeli D/o Lalrinsanga, Lily Veng, Aizawl, Member, Samari Self Help Group through Mr. M.M Ali, Advocate
11. Smt. Vanlalnghaki D/o C. Vanlawma, Lily Veng, Aizawl, Member, Samari Self Help Group through Mr. M.M Ali, Advocate
12. Mr. Lalnunsiamia S/o Lianmawia, Lily Veng, Aizawl, Member, Samari Self Help Group through Mr. M.M Ali, Advocate
13. P.A. to Hon'ble District Judge, Aizawl Judicial District- Aizawl
14. Case record

PESKAR