

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

MONEYSUIT NO. 69 OF 2012

Plaintiff:

Mizoram Rural Bank
Khatla Branch, Khatla, Aizawl
Represented by its Branch Manager

By Advocate's : Mr. L.R. Thuanga Sailo

Versus

Defendants:

Zomawi Self Help Group
Khatla South, Aizawl

Represented by
Its Secretary
Mr. R. Dengliana
Khatla South, Aizawl

By Advocates : _____

Date of hearing : 22-11-2012

Date of Judgment & Order : 22-11-2012

BEFORE

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

JUDGMENT & ORDER

This is a suit for recovery of Rs. 4,10,015/- (Rupees four lakhs, ten thousand and fifteen) due to the plaintiff compounded with an interest at 8.5 % per annum with effect from 06/06/2012 till realization in full from the defendants. As per the agreements of parties Dt. 17/01/2007, the plaintiff Bank realized loan amounting to Rs. 5,00,000/- (Rupees five lakhs)

with an interest rate @ 8.5 % per annum. The defendants thereby failed to repay the same in time hence the instant suit.

The defendants appeared the court on 21/8/2012 and admitted all averments and submissions in the plaint in toto in respect of the quantum of outstanding amount and liability to the defendants

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 are directed to repay the loan outstanding amounts @ Rs. 4,10,015/- (Rupees four lakhs, ten thousand and fifteen) due to the plaintiff compounded with an interest at 8.5 % per annum with effect from 06/06/2012 till realization in full. The defendants are further directed to pay costs of the suit at Rs. 10,000/- as lawyer's fee with an interest rate at 8.5 % 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.

Given under my hand and seal of this court on this 22nd Nov., 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/69/2012, Sr. CJ (A)/

Dated Aizawl, the 22nd Nov., 2012

Copy to:

1. Mizoram Rural Bank, Khatla Branch, Khatla, Aizawl Represented by its Branch Manager through Mr. L.R. Thuanga Sailo, Adv.
2. Mr. R. Dengliana, Khatla South, Aizawl, Secretary, Zomawi Self Help Group, Khatla South, Aizawl through Mr. L.R. Thuanga Sailo, Adv.
3. P.A. to Hon'ble District Judge, Aizawl Judicial District- Aizawl
4. Case record

PESKAR