

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

**Money Suit No 214 of 2015**

Smt. Lalringaii : Plaintiff  
D/o Sangtuala  
R/o Upper Kanan, Aizawl  
Aizawl District

Versus

Smt. Khawpuimawii : Defendant  
R/o Tuikual 'D', Aizawl  
Aizawl District

Smt. Lalthantluangi : Defendant  
R/o Bawngkawn Brigade, Aizawl  
Aizawl District

**BEFORE**

H. LALDUHSANGA, Civil Judge

Counsel for the Plaintiff : Shri T Lalnunsiana Advocate & others  
Counsel for the Defendant : NIL

No of Total Pages of Judgment & Order: 7 (Seven)

## INDEX

Case No : Money Suit No 214 of 2015  
Date of Institution : 14.10.2015  
Judgment Pronounced on : 26.05.2016  
Judgment Delivered on : 26.05.2016

### PLAINTIFF'S WITNESSES

1. PW 1 : Smt Lalringaii

### DEFENDANT'S WITNESSES

NIL

### PLAINTIFF'S ANNEXURES AND EXHIBITS

1. Annexure I : Note Sheet
2. Annexure II : Legal Notice
3. Annexure III : Receipt
4. Annexure IV : Receipt
5. Annexure V : Summons

### DEFENDANT'S ANNEXURES AND EXHIBITS

NIL

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## **JUDGMENT & ORDER**

**Dated: 26.09.2016**

### INTRODUCTION OF THE CASE

1. This is a suit filed by Smt. Lalringaii D/o Sangtuala R/o Upper Kanan, Aizawl, Aizawl District against Smt. Khawpuimawii R/o Tuikual 'D', Aizawl, Aizawl District and Smt. Lalthantluangi R/o Bawngkawn Brigade, Aizawl, Aizawl District on 14.10.2015. It was registered as Money Suit No 214 of 2015 and proceeded ex-parte the Defendants as per Order VIII Rule 10 of CPC. For more details below.

### PLAINTIFF'S VERSION

2. The Plaintiff submits in her Complaint *inter alia* that both the Defendants are doing business with a commission of clothes from the Dealers and even from some other persons. They both on 26.07.2014 obtained pieces of clothes from her for which outstanding due was made amounting to Rs 21,000/- (Rupees Twenty one thousand

only). Again, on 29.07.2014, both the Defendants obtained pieces of Clothes for which Rs 9,000/- (Rupees Nine thousand only) was made due. Hence, the total debt was Rs 30,000/- (Thirty thousand only). The Defendants neglected to make payment of the said debt except that on 15.10.2014, they had paid Rs 2,000/- (Rupees Two thousand only). Hence, the remaining sum i.e Rs 28,000/- (Rupees Twenty Eight Thousand) has not been paid till date. Hence, after being served Legal Notice to both the Defendants, the Plaintiff approached the Lok ADALAT for remedy as no reply was received. Hence, prayed the Court to pass a decree for an amount Rs 28,000/- (Rupees Twenty Eight Thousand) with pendente lite interest @ 12% per annum to be calculated from the date of institution till its realization and to pass a decree for costs i.e requisite Court fees and Lawyer's fee and other necessary orders.

#### EX-PARTE PROCEEDING

3. On receipt of the Plaint, the Court issued summons to both the defendants and invited for written statement on 14.10.2015, 16.11.2015, 11.12.2015, 03.02.2016 and 22.02.2016 but, both the Defendants had not tuned up with no cause shown. Hence, on 10.03.2015, the Ld. Counsel for the Plaintiff prayed the Court to proceed with the case Ex-parte. Heard the Petition and is allowed. Accordingly, heard the case Ex-parte the Defendants as per Order VIII Rule 10 of CPC.

#### ISSUES

4. The following issues were framed on 16.03.2016
  1. Whether the present suit is maintainable in its present form and style
  2. Whether the Defendants have outstanding debt amounting to Rs 28,000/- towards the Plaintiff.
  3. Whether the Plaintiff is entitled to the reliefs claimed. If so, to what extent?

#### PLAINTIFF'S EVIDENCE

5. The Plaintiff cited as PW 1 gave evidence in the Court on 12.04.2016 by way of examination-in-chief. No Defendant turned up for cross-examination. PW 1 submitted that both the Defendants were doing business with a commission of clothes from the Dealers and even from some other persons. They both on 26.07.2014 obtained pieces of clothes from her for which outstanding due was made amounting to Rs 21,000/- Rupees Twenty one thousand only). Again, on 29.07.2014, both the Defendants obtained pieces of Clothing for which Rs 9,000/- (Rupees Nine thousand only) was made due. Hence, the total debt stood at Rs 30,000/- (Thirty thousand only). The Defendants neglected to make payment of the said debt except that on 15.10.2014, they had paid Rs 2,000/- (Rupees Two thousand only). Hence, the remaining sum i.e Rs 28,000/- (Rupees Twenty Eight Thousand) had not been paid till date. Hence, she had served Legal Notice to both the Defendants and provided an opportunity for making payment of debt within a period of 20 days from the date of receiving Legal Notice without interest. However, the Defendants paid no heed at all. Thereafter, she approached the Lok ADALAT for remedy as no reply was received. Again, both the Defendants failed to appear before Lok ADALAT as well despite

summons was duly served and received. Hence, prayed the Court to pass a decree for an amount Rs 28,000/- (Rupees Twenty Eight Thousand) with pendente lite interest @ 12% per annum to be calculated from the date of institution till its realization and to pass a decree for costs i.e requisite Court fees and Lawyer's fee and other necessary orders.

#### ARGUMENT

6. Thereafter, the Ld. Counsel for the Plaintiff declined to submit written argument but heard on oral argument on 12.04.2016.

#### DECISION AND REASONS FOR DECISIONS

##### Issue No 1

Whether the suit is maintainable in its present form and style

7. After careful perusal of the Plaint and all other documents including the Court fees, the present case was registered as a Money Suit No 214 of 2015. It is therefore considered that the present suit is maintainable in its present form and style.

##### Issue No 2

Whether the Defendants have outstanding debt amounting to Rs 28,000/- towards the Plaintiff.

8. Regarding Issue No 2, I have undergone the evidence given by the Plaintiff cited as PW 1. I had neither doubt nor suspicion on it. Accordingly, this Point is decided in favour of the Plaintiff. Hence, both the Defendants shall make payment of an amount Rs 28,000/- (Rupees Twenty Eight Thousand) with pendente lite interest @ 12% per and also costs i.e requisite Court fess and Lawyer's fee.

##### ISSUE No 3

Whether the Plaintiff is entitled to the reliefs claimed. If so, to what extent?

9. From the above observations, it appeared that the Plaintiff is entitled the reliefs claimed amounting to Rs 28,000/- (Rupees Twenty Eight Thousand) with pendente lite interest @ 12% per annum which shall be calculated from the date of institution till its realization and costs Rs 2,199 (Rupees Two Thousand One Hundred and Ninety Nine) for Court fees and Rs 10,000/- (Rupees Ten thousand only) for Lawyer's fee.

#### ORDER

10. In view of the above observations and findings, it is decided that the Defendants namely Smt. Khawpuimawii R/o Tuikual 'D', Aizawl, Aizawl District and Smt. Lalthantluangi R/o Bawngkawn Brigade, Aizawl, Aizawl District shall pay Rs 28,000/-

(Rupees Twenty Eight Thousand) within one year from the date of this Order with pendente lite interest @ 12% per annum which shall be calculated from the date of institution of this suit till its realization and costs Rs 2,199 (Rupees Two Thousand One Hundred and Ninety Nine) for Court fees and Rs 10,000/- (Rupees Ten thousand only) for Lawyer's fee.

11. With the above Order, the present case stands disposed of.

12. Give this copy to both the parties and all concerned.

**Given under my hand and Seal of this Court on this day of the 26<sup>th</sup> May, 2016 Anno Domini.**

**(H. LALDUHSANGA)**

Civil Judge - II  
Aizawl

Memo No.....: Dated Aizawl, the 26<sup>th</sup> May, 2016.

Copy to:-

1. Smt. Lalringaii D/o Sangtuala R/o Upper Kanan, Aizawl, Aizawl District through Counsel Shri T Lalnunsiana Advocate.
2. Smt. Khawpuimawii R/o Tuikual 'D', Aizawl, Aizawl District.
3. Smt. Lalthantluangi R/o Bawngkawn Brigade, Aizawl, Aizawl District.
4. i/c Judicial Section.
5. Shri T Lalnunsiana, Advocate.
6. Case record.
7. Guard File.

**PESHKAR**

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

**Money Suit No 214 of 2015**

**Smt. Lalringaii** : **Plaintiff**  
**D/o Sangtuala**  
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**Versus**

**Smt. Khawpuimawii** : **Defendant**  
**R/o Tuikual 'D', Aizawl**  
**Aizawl District**

**Smt. Lalthantluangi** : **Defendant**  
**R/o Bawngkawn Brigade, Aizawl**  
**Aizawl District**

**BEFORE**  
**H. LALDUHSANGA, Civil Judge**

**Counsel for the Plaintiff** : **Shri T Lalnunsiana Advocate & others**  
**Counsel for the Defendant** :

**DECREE**

**Dated 26.05.2016**

This suit registered as Money Suit No 14 of 2015 coming on this day of the 14<sup>th</sup> October, 2015 for final disposal before Shri H Laldusanga, Court of Civil Judge, Aizawl in the presence of Shri T Lalnunsiana for the Plaintiff and of NIL for the Defendants.

**IT IS THEREFORE ORDERED AND DECREED** by the Court that the Defendants shall pay Rs 28,000/- (Rupees Twenty Eight Thousand) with interest thereon at the rate of 12% per annum with effect from the date of institution of the present suit till its realization and costs of Lawyers and costs of Court Fees.

The said amount shall be paid by the Defendants within one year commencing from the date of this Decree.

**(H. LALDUHSANGA)**  
**Civil Judge - II**  
**Aizawl**

**COSTS OF SUIT**

	<b>Plaintiff</b>				<b>Defendants</b>		
<b>Sl. No</b>		<b>Rs</b>	<b>P</b>	<b>Sl. No</b>		<b>Rs</b>	<b>P</b>
<b>1.</b>	<b>Stamp for Plaintiff</b>	<b>NIL</b>	<b>NIL</b>	<b>1.</b>	<b>Stamp for Plaintiff</b>	<b>2,199</b>	<b>00</b>
<b>2.</b>	<b>Pleader's Fee</b>	<b>NIL</b>	<b>NIL</b>	<b>2.</b>	<b>Pleader's Fee</b>	<b>10,000</b>	<b>00</b>
<b>3.</b>	<b>Total</b>	<b>NIL</b>	<b>NIL</b>	<b>3.</b>	<b>Total</b>	<b>12,199</b>	<b>00</b>

**(H. LALDUHSANGA)**

**Civil Judge - II**

**Aizawl**