

KADW200011772025



Govt. of Karnataka **TITLE SHEET FOR JUDGMENT
IN SUITS**

Form No.9 (Civil)
Title Sheet for
Judgment
in Suits
(R.P.91)

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, HUBBALLI**

Present:

Sri. Yamanappa Karehanumanthappa,
Prl. Senior Civil Judge, Hubballi.

O.S. No.224/2025

Dated this the 6th day of January - 2026

Plaintiff : Sri. Preetam S/o. Kushal Shetty,
Age: 30 years, Occ: Business,
R/o. H.No.42, 1st Cross, Nava Anand
Nagar Road, Abhinava Nagar,
Old-Hubballi, Hubballi.

[By Sri. J.T. Mudaraddi, Advocate]

.Vs.

Defendant : Sri. Pavan S/o. Prakash Rathod,
Age: 30 years, Occ: Business,
R/o. H.No.37, Kurdekar Layout,
Manjunath Nagar, Gokul Road,
Hubballi-580030.

[By Sri. P.K.G., Advocate]

Date of institution of suit : 29-04-2025

Nature of suit : Recovery of money

Date of recording of evidence : 21-11-2025

Date on which Judgment was : 06-01-2026
pronounced

Duration of suit : Year/s Month/s Day/s

00 08 07

J U D G M E N T

This suit is filed by the plaintiff against defendant for recovery of money of ₹7,00,000/-.

2. The case of the plaintiff in brief is as under:

The plaintiff and defendant are well acquainted with each other. The defendant approached the plaintiff for hand loan of ₹5,00,000/- expressing his family financial difficulty and for business purpose. The plaintiff has transferred through mobile banking on 22.12.2023. On 05.09.2024 further the defendant requested for ₹2 lakhs and plaintiff has paid the said hand loan by cash. The defendant has totally availed a sum of ₹7 lakhs from the plaintiff. The defendant has executed hand loan agreement on 05.09.2024 agreeing to repay the said amount within 3 months. But the defendant has failed to repay the said loan amount. The plaintiff got issued a legal notice on 11.03.2025 to repay the said hand loan. The said noticed served on the defendant, but has not

repaid the hand loan amount. So, plaintiff filed this suit to recover the money of ₹7,00,000/-along with interest at the rate of 24% p.a.

3. On issuance of suit summons, the defendant has appeared through his counsel, but has not chosen to file written statement.

4. In order to prove the case, plaintiff has got examined himself as PW.1 and got marked Ex.P.1 to 6.

5. I have heard the learned counsel for the plaintiff and perused the materials on record. The following points arise for my consideration:

1. Whether the plaintiff is entitle for suit claim with interest?
2. What order or decree?

6. My answers to the above points are as under:

Point No.1	: Partly Affirmative.
Point No.2	: As per final order, for the following

REASONS

7. **Point No.1:** Plaintiff filed evidence affidavit by reiterating contents of the plaint. Ex.P.1 is the account statement, which reveals that the plaintiff has paid an

amount of ₹5 lakhs through mobile banking to the defendant. Ex.P.2 is the legal notice issued by the plaintiff to defendant. Ex.P.3 is the postal receipt. Ex.P.4 is postal A.D. card. Ex.P.5 is postal track. Ex.P.6 is hand loan agreement executed by defendant in favour of plaintiff for receiving an amount of ₹7 lakhs. Ex.P.6(a) and (b) are signatures of plaintiff and defendant. The defendant has not at contested the suit. There is no reason to reject the evidence given by the plaintiff. Hence, I hold that plaintiff is entitle for refund of amount of ₹7,00,000/-. He is entitle for interest at the rate of 6% p.a. from the date of suit till its realization. The interest claimed by him at the rate of 24% p.a. is exorbitant one. He is not entitle for said interest. Hence, I answer point No.1 in **partly affirmative**.

8. **Point No.2:** In view of my answer to above point as stated above, I proceed to pass the following;

ORDER

The suit of the plaintiff is decreed in part with costs.

Defendant is directed to pay an amount of ₹7,00,000/- along with interest at the rate of 6% p.a. from the date of suit till its realization to the plaintiff within 30 days from the date of this decree. Failing which, plaintiff can recover the same by filing execution petition.

Draw a decree accordingly.

(Dictated to the Stenographer directly on computer, script corrected directly on computer and then pronounced by me in the Open Court on this the 6th day of January-2026)

(Yamanappa Karehanumanthappa)
Prl. Senior Civil Judge, Hubballi.

ANNEXURE

1.List of witnesses examined on behalf of Plaintiff:

PW.1 : Preetam Kushal Shetty.

2.List of documents exhibited on behalf of Plaintiff:

Ex.P.1 : Bank statement.
Ex.P.2 : Legal notice.
Ex.P.3 : Postal receipt.
Ex.P.4 : Postal A.D. Card.
Ex.P.5 : Postal track.
Ex.P.6 : Hand loan agreement.
Ex.P.6a and b : Signatures.

3.List of witnesses examined on behalf of Defendant:

-NIL-

4.List of documents exhibited on behalf of Defendant:

-NIL-

Prl. Senior Civil Judge,
Hubballi.