

KACM210000062025



Appendix - D

Govt. of Karnataka

**Preliminary Decree in
Mortgage Suit**

IN THE COURT OF THE III ADDL. CIVIL JUDGE & J.M.F.C., KADUR

O.S. No. 04/2025

Plaintiffs: CANARA BANK, SAKHARAYAPATNA BRANCH, Kadur Taluk, represented by its Manager Sri. Bharath K.R. S/o Rajegowda K.B., aged about 32 years, Branch Manager, Canara Bank, Sakharayapatna, R/o Urolpal Village, Hirekolale Post, Chikkamagaluru Taluk, Chikkamagalur District.

-Vs-

Defendants: 1 H.C.Thammaiah S/o Late. H.B.Channa veerappa, aged about 69 years, Agriculturist,
2 H.T.Sudha S/o H.C.Thammaiah, aged about 36 years, House work,
3 H.T.Bhanumathi D/o H.C.Thammaiah, aged about 34 years, House work,
4 H.T.Darshan S/o H.C.Thammaiah, aged about 31 years, Agriculturist,

All are residing at Hulikere Village at and Post, Sakharayapatna Hobli, Kadur Taluk, Chikkamagaluru District.

Suit Filed On:06-01-2025.



Reliefs : The plaintiff prays for a judgment and decree against the defendants for the following reliefs:-

- a) Directing the defendants to pay a sum of Rs. 44,766-40 together with interest at 10.20% per annum from 01.10.2024 and Rs.3,42,080=30 together with interest at 9.70% per annum from 01.04.2024 till the realization of the amount with courts costs.
- b) On the defendants failure to pay the decretal amount as aforesaid, a decree for the sale of mortgaged properties in terms of Order 34 of C.P.C., proceeds of the sale to be adjusted by the plaintiff for the satisfaction of decree amount.
- c) To permit the plaintiff to proceed against the defendants personally for the recovery of the balance decretal amount after giving deductions of the amounts realized from the sale of the mortgaged properties in case the sale proceeds are insufficient to satisfy the entire decretal amount.
- d) For such other reliefs as this Hon'ble Court deems fit To grant to the plaintiff in the circumstances of the Case.

This suit is coming on 27th day of March 2026 for final disposal before Sri. Thahakaleel K.A., B.A. LL.B., C/c III Addl. Civil Judge & J.M.F.C., Kadur in the presence of Sri. B.M.Prasanna, advocate for Plaintiff and Sri. N.H.S., advocate for Defendants.



After pronouncing judgment. It is ordered and decreed that, the suit of the plaintiff is hereby decreed with costs.

Further, it is ordered and decreed that, The defendants are jointly and severally liable to pay to the plaintiff bank of sum of ₹ 44,766/- together with interest at the rate of 10.20% per annum from the date of suit till realization and a further sum of ₹ 3,42,080/- together with interest at the rate of 9.70% per annum from the date of suit till realization within **six(6) months time** from the date of this decree to pay the entire decretal amount.

Further, it is ordered and decreed that, In default of payment within the said period, the plaintiff is at liberty to seek **sale of the mortgaged schedule properties** in accordance with Order XXXIV of the Code of Civil Procedure and appropriate the sale proceeds towards the decretal amount.



Further, it is ordered and decreed that, if the sale proceeds are insufficient to satisfy the decretal amount, the plaintiff is at liberty to proceed personally against the defendants for recovery of the balance amount.

2. And it is hereby ordered and decreed as follows:-

i) That the defendants do pay to the Plaintiff a sum of Rs. **44,766/-** with interest at the rate of **10.20%** p.a. and a sum of Rs. **3,42,080/-** with interest at the rate of **9.70%** p.a. to be calculated from 06/01/2025 i.e., date of filing of the suit till its realization.

ii) That the defendant do pay into the Court within Six months from the date of decree or any later date upto which time for payment may be extended by the Court, the said sum of Rs.**44,766/-+Rs. 3,42,080/-= Rs. 3,86,846/-** with upto date interest.

iii) That, on such payment and on payment thereafter before such date as the Court may



fix of such amount s the court may adjudge due in respect of such costs suit and such costs, charges and expenses as may be payable under Rule 10, together with such subsequent interest as may be payable under Rule 11 of Order XXXIV of the First Schedule to the Code of Civil Procedure, 1908 the Plaintiff shall bring into Court all documents in his possession of power relating to the mortgage property in the plaint mentioned, and all such documents shall be delivered over to the defendant, or to such person as be appoints, and the plaintiff shall, if so required, re-convey or re-transfer the said property, free from all encumbrances created by the Plaintiff or any person claiming under him or any person under whom he claims and shall, if so required, deliver upto the defendant quiet and peaceful possession of the said properties.

3. And it is hereby ordered and decreed that in-default of payment as aforesaid the Plaintiff may apply to the Court for a Final Decree for the sale of the mortgage property, and on such application being made the



charge created property or a sufficient part thereof shall be directed to be sold; and for the purpose of such sale the plaintiff shall produce before the court or such officer as it appoints all documents in his possession of power relating to the mortgage property.

4. And it is hereby ordered and decreed that the money realized by such sale shall be paid in to Court and shall be duly applied (after deduction there from of the expenses of the sale) in payment of the amount payable to the plaintiff under this decree and under any further orders that may be passed in this suit and in payment of any amount which the court may adjudge due to the plaintiff in respect of such costs of the suit, and such costs, charges and expenses as may be payable under rule 10, together with subsequent interest as may be payable under rule 11, of Order XXXIV of the first schedule to the Code of Civil Procedure, 1908 and that the balance, if any, shall be paid to the defendant or other persons entitled to receive the same.



5. And, It is hereby further ordered and decreed that if the money realized by such sale shall not be sufficient for payment in full of the amount payable to the plaintiff as aforesaid, the plaintiff shall be at liberty, (where such remedy is open to him under the terms of this mortgage and is not barred by any law for the time being in force) to apply for a personal decree against the defendant for the amount of the balance and that the parties are at liberty to apply to the court from time to time as they may have occasion, and on such application of otherwise the court may give such directions as it thinks fit.

It is further ordered and decreed that the defendant shall also pay Rs.34,467=69. being the cost of the suit to the Plaintiff.

Given under my hand and the seal of the court, this the 27th day of March 2026.

Decree Signed On: 07.04.2026.

Sd/-
**C/c III Addl. Civil Judge & J.M.F.C.,
Kadur.**



MEMORANDUM OF COSTS INCURRED IN THIS SUIT

Sl.No	Particulars	By Plaintiff	By Defendants
1.	Court Fee on the Plaint	26,020-00	-
2.	Court Fee paid on the power	- -	-
3.	Court Fee paid on the I.As	- -	-
4.	Service of Process	20-00	-
5.	Advocates Fee(FC Filed)	8,427-69	-
	Total	34,467-69	-

Sd/-

**C/c III Addl. Civil Judge & J.M.F.C.,
Kadur.**

SCHEDULE

1. Landed Property bearing Sy.No. 32/p1, measuring 2 acres 30 guntas, situated at Hulikere village, Sakarayapattana Hobli, Kadur Taluk, bounded on East By: Land of Basavaraja, West by: Land of Karesiddappa, North by: Land of Maheshwarappa and South by: Road.

2. Landed Property bearing Sy.No. 68/4, measuring 0-22 guntas, situated at Hulikere village, Sakarayapattana Hobli, Kadur Taluk, bounded on East By: Land of Karesiddappa, West by: Land of Marulasiddamma, North by: Land of Basavarajappa and South by: Road.

Sd/-

**C/c III Addl. Civil Judge & J.M.F.C.,
Kadur.**

KACM21000062025



9

O.S. No. 04/2025

IN THE COURT OF THE III ADDL. CIVIL JUDGE & J.M.F.C., KADUR

O.S. No. 04/2025

Plaintiffs: CANARA BANK, SAKHARAYAPATNA
BRANCH,

-Vs-

Defendants: H.C.Thammaiah and others.

VALUATION SLIP

The plaintiff has filed this suit for recovery of Rs.3,86,846/-.
Hence, a court fee of Rs.26,020/- is paid on the plaint as per
the Schedule-I of K C F and S V Act.

Kadur.

Date: 19-12-2024.

Sd/-
Advocate for Plaintiff.

“Copy”

Sd/-

**C/c III Addl. Civil Judge and JMFC,
Kadur.**