

**IN THE COURT OF THE III ADDITIONAL SENIOR CIVIL
JUDGE AND J.M.F.C. HUBBALLI**

Present:- Sri. Ramesh S. Ganiger,
B.Com., L.L.M.,
*III Addl. Senior Civil Judge & J.M.F.C.,
Hubballi.*

Dated 14th day of August 2026

S.C.No.6/2026

PLAINTIFF - Shalom Marketing, CTS
No.162/16B, Ward No.III,
Deshpande Nagar, hubballi-
580029, represented by its
proprietor, Mrs.Grace
Pushpalatha Devprem, Age:about
47 years.

(By Sri G.C.K., Advocate)

V/s.

DEFENDANT Priyanka Electricals,
Represented by its Proprietor,
Age:Major, Omkar Charjitre,
Ankali Road, Raibag

(exparte)

Date of institution of the Suit	-	22.01.2026
Nature of the Suit	-	Recovery of Money
Date of commencement of recording evidence	-	14.07.2026
Date on which the judgment was pronounced	-	14.08.2026
Total duration		<u>Year/s</u> <u>Month/s</u> <u>Day/s</u> 00 08 10

(Ramesh S. Ganiger,)

*III Addl. Senior Civil Judge & J.M.F.C.,
Hubballi.*

:: J U D G M E N T ::

It is the suit for recovery of money of Rs.14,140/- along with future interest at the rate of 18% p.a. from 03.11.2025 to till the realization of the decree amount.

2. The brief facts of the plaintiff's case are as under:-

According to the plaintiff, she is the proprietor of Shalom Marketing and he is engaged in the business of Electrical goods and kitchen appliances in the name and style of Shalom Marketing Hubballi. The defendant is the

regular customer of her firm and defendant had purchased the electrical goods and kitchen appliances for total amount of Rs.14,140/- from her on credit basis. The defendant has promised her that the balance amount of Rs.14,140/- will be paid within one month of purchasing the said items.

3. The plaintiff submits that inspite of giving sufficient time, the defendant failed to make payment of dues as agreed by him. Till now the defendant did not make of balance amount of Rs.14,140/-. Thereafter, he got issued a legal notice through his counsel on 03.11.2025 calling upon the defendant to pay due amount within 15 days from the date of receipt of the notice. The said notice has been duly served on the defendant. But defendant neither paid the said amount along with interest nor replied to the said notice. Hence in order to recover the suit claim amount with interest, the plaintiff has constrained to file the suit.

4. Inspite of service of suit summons, the defendant was placed as ex-parte.

5. In order to prove the case, the proprietor of plaintiff company was examined as P.W.1 and got marked Ex.P-1 to P-5 documents.

6. Learned counsel for plaintiff was argued.

7. The following points arises for my consideration :

1. Whether plaintiff proves that defendant had purchased electrical goods and kitchen appliances on credit basis from her and defendant has due of Rs.14,140/- to the plaintiff?

2. Whether plaintiff is entitled the relief as sought for?

3. What order or decree?

8. My findings to the above points are as follows:-

Point No.1 : In the Affirmative.

Point No.2 : Partly in the Affirmative.

Point No.3 : As per final order for the following:

REASONS

9. **Point No.1 & 2:** As these points are interconnected, in order to avoid the repetition of facts and evidence these are taken together for common discussion.

In order to prove the case, the proprietor of the plaintiff firm was examined as P.W.1 and in her examination-in-chief he reiterated the entire plaint averments as stated above. The defendant could not contest and cross-examine PW.1. Accordingly, sole testimony of P.W.1 remains unchallenged and believable one.

10. In order to prove the case on the basis of documentary evidence P.W.1 produced Ex.P1 to P-5 documents. Ex.P.1 is the ledger account maintained by the plaintiff concerning to the transactions of the defendant which reveals that the defendant is in due of Rs.14,140/- to the plaintiff company with deducting bank interest OD, Ex.P.2 is the certificate under Section 65 B of Indian Evidence Act. Ex.P.3 is the legal notice issued by the plaintiff company through her

counsel calling upon the defendant to pay the above due amount. Ex.P.4 is the postal receipt, Ex.P.5 is the postal acknowledgment.

11. As discussed above oral and documentary evidence of plaintiff are sufficient to show that the defendant is liable to pay above said due amount. Herein the plaintiff sought 18% p.a future interest on above claim amount from 03.11.2025 to till the realization of the decree amount. The available materials on hand clears that it is the commercial transaction and as per **Section 34 of CPC** the plaintiff is able to get 12% interest p.a. from the date of suit till its realization from the defendant. Accordingly directed the defendant to pay Rs.14,140/- due amount with interest at the rate of 12% p.a., from the date of suit till its realization and **I answered point No.1 in the affirmative and point No.2 partly in the affirmative.**

12. **Point No.3 :-** As discussed above, I proceed to pass the following :

ORDER

Suit of the plaintiff is hereby partly decreed with cost.

The defendant is liable to pay the suit claim amount of Rs.14,140/- to the plaintiff.

The defendant is hereby directed to pay the interest at the rate of 12% p.a from date of institution of suit till the date of realization on principal due amount of Rs.14,140/-.

It is ordered and directed the defendant to pay the above said decretal amount along with interest within two months from the date of this judgment.

Draw decree accordingly.

(Dictated to the stenographer directly on computer, typed by her, corrected by me and then pronounced in the open Court today 14th day of August, 2026).

(Ramesh S. Ganiger)
*III Addl. Senior Civil Judge & J.M.F.C.,
Hubballi.*

:: ANNEXURE ::**Witnesses examined for the plaintiff:**

P.W.1 : Grace Devprem Pushpalatha

Documents exhibited for the plaintiff:

Ex.P.1 : Copy of ledger account
Ex.P.2 : Certificate under Section 65 B of
Evidence Act
Ex.P.3 : Copy of legal notice sent to the
defendant
Ex.P.4 : Postal receipt
Ex.P.5 : Postal track consignment

Witnesses examined for the defendants:

-Nil-

Documents exhibited for the defendants:

- Nil -

(Ramesh S. Ganiger)

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