

KAKL010024552025



Presented on : 02.09.2025
Registered on : 02.09.2025
Decided on : 30.06.2026
Duration : 9 months 29 days

**IN THE COURT OF PRINCIPAL DISTRICT AND
SESSIONS JUDGE AT KOLAR**

DATED THIS THE 30TH DAY OF JUNE 2026

PRESENT

SHRI V.M. ANANDASHETTI
PRINCIPAL DISTRICT & SESSIONS JUDGE, KOLAR

Com.O.S./20/2025

PLAINTIFF:

Bank of Baroda
Represented by its Chief Manager
Sri. Bodapathi Maruthi Manohar,
Aged about 47 years,
M.B. Road, Kolar.

(Reptd. by **Sri. S.Nandeesh,**
Advocate)

VERSUS

DEFENDANT:

Sri Pall Jeans Centre
Prop: Mr. A.M. Narayanaswamy,
S/o. Munivenkatappa,
Aged about 63 years,
R/o. No.2708, Kalamma Temple Street,
Kolar.

(Exparte)

Date of Institution of the suit : 02.09.2025

Nature of suit : Recovery of money

Date of Pronouncement of Judgment: 30.06.2026

Total Duration : Years /Months/Days
00 / 09 / 29

J U D G M E N T

The suit is for recovery of sum of Rs.10,12,435/- with interest at 11.6% p.a. along with 2% penal interest with costs.

2. The plaintiff is banking company represented by its Manager. The defendant is a proprietary concern represented by its proprietor. Plaintiff advanced Rs.10,00,000/- loan on 04.03.2023 to the defendant for the purpose of his Textile business against his application seeking the same. According to the plaintiff the agreed rate of interest is 11.6% per annum with penal interest at 2% per annum on the overdue amount subject to variation pursuant to guidelines of RBI. It is the case of plaintiff that the defendant though availed loan was a defaulter. He did not respond to legal notice issued and has not repaid the amount. As on 21.05.2025 the due amount was Rs.10,12,435/-. Since the defendant is not paying the amount, the present suit is filed for recovery of it.

3. The plaintiff initially approached the pre-institution mediation with DLSA, Kolar. The defendant did not respond to notice issued. The Member Secretary, DLSA,

Kolar, has issued non-starter report. Thereafter the suit is filed.

4. The defendant did not respond to the summons.

5. In the enquiry, the Manager of the plaintiff examined himself as PW.1 and tendered documents at Ex.P.1 to Ex.P.11. The plaintiff closed its side evidence.

6. Heard the arguments of learned counsel for the plaintiff. Perused the materials on record.

7. The points arising for my consideration are;

1. Whether the plaintiff is entitled for Rs.10,12,435/- with interest at 11.6% p.a. along with 2% penal interest?

2. What order or decree?

8. My finding to the aforesaid points is as under;

Point No.1: In the affirmative.

Point No.2: As per final order on the following:

REASONS

9. **Point No.1:** The Manager of the plaintiff bank examining himself as PW.1 has filed affidavit reiterating the plaint averments. In his evidence 11 documents are tendered. Ex.P.1 is the loan application form, Ex.P.2 is the pronote,

Ex.P.3 composing hypothecation agreement, Ex.P.4 is the declaration cum undertakings cum authority, Ex.P.5 is the general undertaking, Ex.P.6 is the letter of continuing security and Ex.P.7 is the letter sole proprietorship. From these documents the fact that the defendant applied for loan for the purpose of Textile business and availed Rs.10,00,000/- loan from the plaintiff stands proved. Ex.P.10 statement of loan account would show that the defendant is due to the tune of Rs.10,12,435/- as on 21.05.2025. Hence the plaintiff is entitled for recovery of it as prayed for. Hence I answer point No.1 in the affirmative.

10. **Point No.2:** In the result I proceed to pass the following;

ORDER

The suit of the plaintiff is decreed with costs.

The plaintiff is entitled to recover sum of Rs.10,12,435/- with interest at 11.6% per annum along with 2% penal interest from 21.05.2025 till its realization from the defendant.

Draw decree accordingly.

(Dictated to the Stenographer directly on the computer and typed by him, revised, corrected and then pronounced by me in the open Court on this the 30TH DAY OF JUNE 2026).

(V.M. ANANDASHETTI)
PRL. DIST. & SESSIONS JUDGE, KOLAR.

ANNEXURE**List of witnesses examined on behalf of plaintiff:**

PW1 : Manu Kumar.R

List of documents exhibited on behalf of plaintiff:

Ex.P.1 : Loan application form
Ex.P.2 : Pronote
Ex.P.3 : Composing Hypothecation agreement
Ex.P.4 : Declaration/undertaking/authority
Ex.P.5 : General undertaking
Ex.P.6 : Letter of continuing security
Ex.P.7 : Letter of sole proprietorship
Ex.P.8 : Legal notice
Ex.P.9 : Two postal acknowledgments
Ex.P.10 : Statement of account
Ex.P.11 : Non Starter report

List of witnesses examined and documents exhibited on behalf of defendant:

Nil

PRL. DIST. & SESSIONS JUDGE, KOLAR.