

ORDERS ON PRELIMINARY ISSUES

This is the suit filed by the Plaintiff seeking recovery of 19,48,368/- with interest. In the plaint the Plaintiff has contended that, deceased Kamamma has borrowed loan of Rs.14,00,000/- for improvement of her business and for family and legal necessities and Defendant No.1 to 3 have stood as guarantors to the said loan and subsequently Kamamma has failed to pay the said loan and she has died on 01.04.2020.

2. Now the Defendants filed written statement contending that, as the alleged loan is not the business loan commercial Court has no jurisdiction to try the suit.

3. By considering the pleadings this Court has framed Issue No.3 and same is treated as Preliminary Issue, which is as under ;

“ Whether this Court has got jurisdiction to try the suit ? ”

4. Heard the arguments of Plaintiff's counsel.

5. The Defendant's counsel has failed to submit his arguments.

6. My answers to Issue No.3 is in the **Negative** for the following ;

REASONS

7. In the plaint the Plaintiff has contended that, deceased Kamalamma has borrowed loan of Rs.14,00,000/- for improvement of her business and for family and legal necessities. Hence, Plaintiff has filed the suit before the commercial Court. With regard to said contention of the Plaintiff the Plaintiff's counsel has contended that in loan application occupation of the borrower is mentioned as business. Therefore, it appears that, deceased Kamalamma has borrowed loan for business purpose appears to be true. Even in the written statement the Defendants have not contended that Kamalamma was not a business women. But they are questioning the jurisdiction of this court for the reason that the Defendants are not at all the business entity. Infact Defendants are arrayed as parties to the suit since deceased Kamalamma has died, occupation of the Defendants is nothing to do with the jurisdiction of the Court. Therefore, there is prima-facie evidence to show that deceased Kamalamma was business women and she has

borrowed loan for business purpose. Hence, certainly this Court has got jurisdiction to try the present suit. Hence, **Issue No.3 is answered in the Negative.**

For Plaintiff evidence on other issues.

Call on : 19.09.2025.

(MALLANAGOUDA)

II Addl. District & Sessions Judge,
Mysuru.