

KAMS010062252024



**BEFORE THE COMMERCIAL COURT & II ADDL.
DISTRICT & SESSIONS JUDGE AT: MYSURU.**

Dated this the 2nd day of April, 2026

:: PRESENT ::

**Sri Mallanagouda, B.Com., LL.M.,
Presiding Officer,
Commercial Court &
II Addl. District Judge, Mysuru.**

Com.O.S.No.270/2024

PLAINTIFF

: CANARA BANK
Constituted under the Banking
Companies (Acquisition and
Transfer of Undertaking) Act,
1970 having its head office at
112, J.C. Road,
Bangalore – 560 002
and inter-alia having a branch
at Nanjumalige Lakshmipuram
branch, Mysuru.
Represented by its Chief
Manager.
(By : Sri. S.S., – Adv.,)

-Vs-

DEFENDANT

: M/s M FASHION
Proprietor
Sri Mahendra
S/o Shambulingappa,
Aged about 28 years,

R/at #117/2B,
Devayyana Hundi Main Road,
Srirampura,
Mysuru – 570008.

(Exparte)

Date of institution of the suit	27.08.2024
Nature of the suit	Money suit
Date of the commencement of recording evidence	03.03.2026
Date on which the Judgment was pronounced	02.04.2026
Total Duration	Year/s Month/s Day/s
	01 07 05

(Mallanagouda)

Presiding Officer,
Commercial Court & II Addl.
District & Sessions Judge, Mysuru.

JUDGMENT

This is the suit filed by the Plaintiff seeking recovery of Rs.9,62,743.53/- with cost and interest at the rate of 13.75% pa., from the Defendant.

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

The Defendant being an entrepreneur preferred loan application on 09-03-2022 to his business of Ready Made Garments and sought Rs.8,00,000/- as over draft loan and the same was sanctioned on 09-03-2022 wherein the Defendant has accepted to discharge the same with 2.25% above the MCLR amounting to 9.15% and he executed Pronote, cash credit agreement request for Overdraft facilities letter of undertakings and also agreed to pay 2% penal charges on default. In spite of repeated requests and demands made by the Plaintiff bank, Defendant has failed to clear the outstanding balance sum of Rs.9,59,743.53/-. Hence this suit is filed for recovery of the amount from the Defendant.

3. After issuance of summons, the Defendant has been placed Exparte.

4. On the basis of above said pleadings, the following points that would arise for my consideration are:-

1. Whether the Plaintiff Bank proves that on 09.03.2022 the Defendant has availed Loan of Rs.8,00,000/- from the Plaintiff Bank agreeing to repay the loan along with interest at 2.25% above the MCLR compounded monthly and 2% penal interest in case of default ?
2. Whether the Plaintiff Bank further proves that, as on the date of filing the suit the Defendant is due of Rs.9,62,743.53/- ?
3. What order or decree ?

5. In support of its case, the Plaintiff Bank has examined its Divisional Manager cum Power of Attorney Holder as PW.1 and got marked documents at Ex.P.1 to P.6 on its behalf.

6. Heard arguments.

7. My finding on the above points are as under:

POINT No.1	:	In the Affirmative,
POINT No.2	:	In the Affirmative,
POINT No.3	:	As per final Order for the following,

:: R E A S O N S ::

8. **POINTS NO.1 AND 2** : Since these points are inter-related the same are taken up together for discussion to avoid repetition of discussion.

9. It is the case of the Plaintiff bank that the Defendant being an entrepreneur preferred loan application on 09-03-2022 to his business of Ready Made Garments and sought Rs.8,00,000/- as over draft loan and the same was sanctioned on 09-03-2022 wherein the Defendant has accepted to discharge the same with 2.25% above the MCLR amounting to 9.15% and he executed Pronote, cash credit agreement request for Overdraft facilities letter of undertakings and also agreed to pay 2% penal charges on default. In spite of repeated requests and demands made by the Plaintiff bank, Defendant has failed to clear the outstanding balance sum of Rs.9,59,743.53/- and he is liable to pay Rs.3,000/- miscellaneous and typing expenses.

10. During the evidence, PW.1 who is the Divisional Manager cum Power of Attorney Holder of Plaintiff bank has filed his affidavit in his examination in chief in which he once again reiterated the facts alleged in the plaint as discussed above. In addition to evidence of PW.1 the Plaintiff bank has produced documents like loan application, sanction letter, pronote, request for overdraft facility, cash credit agreement and account statement etc., which also corroborates with oral evidence of PW.1. Further when the Defendant is placed Exparte, the evidence produced by the Plaintiff bank remains unchallenged and there is no other valid reasons to suspect or reject the evidence produced by the Plaintiff Bank. Therefore, from the evidence produced by the Plaintiff Bank it clearly appears that the Defendant has borrowed loan, after borrowing the loan the Defendant has failed to repay the loan as agreed. Hence the Defendant is liable to repay the loan amount as contented by Plaintiff bank with interest as claimed.

Hence it is decided to decree the suit of the Plaintiff Bank and direct the Defendant to pay the loan amount as claimed by the Plaintiff Bank. **Hence, Point No.1 and 2 are answered in the Affirmative.**

11. **POINT NO.3:** In the result, I proceed to pass the following:

ORDER

The suit of the Plaintiff Bank is decreed with costs.

The Defendant is directed to pay Rs.9,62,743.53/- with future interest at 13.75% p.a., compounded monthly from the date of suit till repayment of entire amount.

Draw Decree accordingly.

[Dictated to the Stenographer, directly on computer, corrected and then pronounced by me in the open Court on this the **2nd day of April, 2026**].

(Mallanagouda)

Presiding Officer,
Commercial Court & II Addl.
District & Sessions Judge, Mysuru.

ANNEXURE**LIST OF WITNESSES EXAMINED ON BEHALF OF PLAINTIFF :**

PW.1 : Sathish Kumar R

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PLAINTIFF/S :

Ex.P.1 : Loan application

Ex.P.2 : Sanction letter

Ex.P.3 : Pronote

Ex.P.4 : Request for overdraft facility

Ex.P.5 : Cash credit agreement

Ex.P.6 : Account statement

LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENDANT/S :

NIL

LIST OF DOCUMENTS MARKED ON BEHALF OF THE DEFENDANT/S:

NIL

(Mallanagouda)

Presiding Officer,
Commercial Court & II Addl.
District & Sessions Judge, Mysuru.