

KAMS500000372026



**IN THE COURT OF SENIOR CIVIL JUDGE & J.M.F.C.,
NANJANGUD**

Dated this the 28th day of July 2026

Present : **Sri. Kamalaksha D., B.A., LL.B.,**
Senior Civil Judge & JMFC,
Nanjangud.

S.C./2/2026

Plaintiff : Kumar N.C. S/o Chikkoosanaika,
aged about 45 years,
residing at Nagarle Village,
Biligere Hobli,
Nanjangud Taluk,
Mysuru District.

(By Sri. P.N.Ganesh, Adv.)

-V/s-

Defendant: Lingarajappa S/o H.R.Lingappa,
aged about 35 years,
residing at Haniyamballi Village,
Biligere Hobli,
Nanjangud Taluk,
Mysuru District.

(By Sri. R.Renuka Prasad, Adv.)

Date of Institution of the suit	:	07.01.2026
Nature of the suit	:	Recovery of money
Date of commencing of recording of Evidence	:	22.07.2026
Date of Pronouncing of Judgment	:	28.07.2026
Total Duration	:	<u>Year/Month/Days</u> 00/ 06 / 21

J U D G M E N T

The plaintiff has filed the suit for recovery of Rs.93,000/- with interest at the rate of 18% per annum.

2. The brief facts of the case are as follows:-

The defendant took hand loan of Rs.60,000/- from the plaintiff for his legal necessity on 10.01.2023. The defendant agreed to repay the said loan amount with interest at the rate of 18% per annum and executed on demand promissory note. Thereafter the plaintiff requested with the defendant to repay the said loan amount as agreed in the on demand promissory note. However, the

defendant never repaid the amount with interest.

Hence, the plaintiff without any alternative filed the present suit.

3. Summons duly served, the defendant has appeared before the court, but not filed written statement.

4. In order to get the relief, the plaintiff is examined as PW-1 and got marked 4 documents as Exs.P.1 to 4.

5. Heard the counsel for the plaintiff and perused the evidence and materials placed on record. The points that arise for my consideration are:

1. Whether the plaintiff proves that the defendant borrowed amount of Rs.60,000/- on 10.01.2023 and executed on demand promissory note?
2. Whether the plaintiff is entitled to recover the loan amount with 18% interest per annum?
3. What order or decree?

6. The finding on the above points are as follows:-

- | | |
|------------|--|
| Point No.1 | - In the affirmative |
| Point No.2 | - Partly in the affirmative |
| Point No.3 | - As per the final order,
for the following:- |

REASONS

7. **Point Nos.1 & 2:** To avoid repetition of facts and evidence, these points are taken up together for discussion.

8. The chief-examination of P.W.1 is nothing but repetition of the facts of the suit. The plaintiff in the chief-examination has deposed that the defendant took Rs.60,000/- of hand loan by executing on demand promissory note, however the defendant did not repay the loan amount within stipulated period. Ex.P.1 is the on demand promissory note dated 10.01.2023; Ex.P.2 is the copy of notice dated 10.12.2025; Ex.P.3 is the postal receipt; Ex.P.4 is the acknowledgment. Ex.P.1 clearly demonstrates the payment of Rs.60,000/- hand loan to the

defendant on 10.01.2023. Adverse presumption may be drawn against the defendant, because though he appeared before the court, not filed written statement. Hence, it is impossible to disbelieve that the defendant has no knowledge about the pending of suit before the court. There is no rebuttal evidence to disbelieve the evidence of plaintiff. The plaintiff claims recovery of loan amount with 18% interest per annum. However, the said interest on principal amount may exorbitant, repayment of amount with 12% interest definitely enough to meet the demand of the plaintiff. Hence, **point No.1** is answered **in the affirmative** and **point No.2 partly in the affirmative**.

9. **Point No.3**: In view of above discussion in points No.1 and 2, I proceed to pass the following:

ORDER

The suit of the plaintiff is partly decreed with costs.

The defendant is hereby directed to pay a sum of Rs.93,000/- to the plaintiff with interest

at the rate of 12% per annum from the date of
suit till realization.

Draw decree accordingly.

*(Dictated to the Stenographer, transcribed by her on computer, revised,
corrected and then pronounced by me in open Court on this the 28th day
of July 2026).*

(Kamalaksha D.)

Senior Civil Judge & J.M.F.C.,
Nanjangud.

ANNEXURE

List of witnesses examined for the plaintiff:

P.W.1 : Kumar N.C.

List of documents marked for the plaintiff:

Ex.P.1 : On demand pronote and consideration
receipt dated 10.01.2023
Ex.P.2 : Copy of legal notice dated 10.12.2025
Ex.P.3 : Postal receipt
Ex.P.4 : Postal acknowledgment

List of witnesses examined for the Defendant:

Nil

List of documents marked for the Defendant:

Nil

Senior Civil Judge & J.M.F.C.,
Nanjangud.