

**IN THE Court OF LXXXVII ADDL.CITY CIVIL & SESSIONS
JUDGE, (EXCLUSIVE COMMERCIAL Court)**

AT BENGALURU (CCH.88)

THIS THE 29th DAY OF SEPTEMBER 2021

PRESENT:SRI.CHANDRASHEKHAR U., B.Sc., LL.M.,

LXXXVII ADDL.CITY CIVIL & SESSIONS JUDGE,

BENGALURU.

Com.O.S.No.8068/2019

PLAINTIFF

: THE KARNATAKA BANK LTD.,

A Company registered under the Indian Companies Act, 1913, carrying the banking business having its Registered and Head Office, At Mahaveer Circle, P.B.No.599, Kankanady, Manguluru-575002, and having several branches throughout India and one amongst them at Sanjaynagar GF-101, #24, Opposite Vaibhav Theatre, Sanjaynagar Main Road, Bengaluru-560094.

Represented by its Power of Attorney Holder Senior Branch Manager. Smt.Meera G Singh Age 52 years

(ANANDA & HEGDE LAW ASSOCIATES)

AND

DEFENDANT:

RAJASHEKAR B.S.

Age 49 years

S/o.Basavarajaiah K N,

No.176 2nd Main

4th Cross Bhoopasandra,

Bengaluru-560094

(Exparte)

Date of Institution of the suit	08.11.2019
Nature of the suit (suit on pronote, suit for declaration & Possession, Suit for injunction etc.)	Suit for recovery of money
Date of commencement of recording of evidence	22.09.2021
Date on which judgment was pronounced	29.09.2021
Total Duration	Year/s Month/s Day/s 01 10 21

(CHANDRASHEKHAR U),
LXXXVII Addl.City Civil & Sessions Judge,
(Exclusive Commercial Court)
Bengaluru.

J U D G M E N T

The plaintiff has filed the suit for recovery of a sum of Rs.6,66,577/- (Rupees six lakhs sixty six thousand five hundred and seventy seven only) with interest at 18.00% per annum compounded monthly from the date of suit till realisation.

2. It is the case of the plaintiff that the defendant approached it for availing demand loan of Rs.7,20,000/- (Rupees seven lakhs twenty thousand only) on 18.08.2016, for the purpose of purchase of New Toyota Etios GD Motor Cab Car. After mutual

discussion, the plaintiff bank sanctioned the loan with 60 equated monthly installments (EMIs) of Rs.15,369/- (Rupees fifteen thousand three hundred and sixty nine only) commencing from 18.08.2016. In consideration to the above said loan amount, the defendant has executed loan documents and such other documents. As on the date of the suit, the defendants were due in a sum of Rs.6,66,577/- (Rupees six lakhs sixty six thousand five hundred and seventy seven only).

3. The cause of action of the suit has arisen on 17.08.2016, 18.08.2016 the date of loan, execution of the loan documents, letter of revival within jurisdiction of this Court. Accordingly, the plaintiff has prayed judgment and decree.

4. After service of summons, the defendants did not appear. Accordingly, they were placed *ex-parte*. The plaintiff got examined it's Senior Branch Manager as PW1 and got marked 11 documents at Ex.P1 to Ex.P11.

5. Heard.

6. The points that arise for my consideration are:-

1. Whether the plaintiff is entitled to the relief claimed?
2. What Order?

7. My answer to the above points are:

Point No.1 :- In the Affirmative.

Point No.2 :- As per the final Order for the following :

REASONS

8. **Point No.1 :-** In order to prove the points, the plaintiff mainly relies upon the evidence of PW1 and documents at Ex.P1 to Ex.P11. Ex.P1 is the sanction order and Ex.P2 is credit sanction intimation. Ex.P3 is the loan agreement. Ex.P4 is the hyphothecation agreement. Ex.P5 is the particulars of hyphothecation. Ex.P6 is the consent letter given by the defendant. Ex.P7 is the office copy of the legal notice. Ex.P8 is the postal receipt. Ex.P9 is the unserved envelope. Ex.P10 is account extract. Ex.P11 is the copy of the power of attorney. So, with the help of the above documents, learned counsel of the plaintiff would argue that

the defendant having availed loan, failed to pay the amount as agreed and it appears that he has been irregular in the matter of payment of loan. Therefore, as rightly pointed by the learned counsel for the plaintiff, he is liable to pay suit claim with interest at 18.00% per annum compounded monthly from the date of suit till realisation. Hence, I answer point No.1 in the **Affirmative**.

9. **Point No.2** :- For the reasons stated in the above said paras, I proceed to pass the following:

ORDER

The suit of the plaintiff is decreed with costs.

The defendant is hereby directed to pay to the plaintiff a sum of Rs.6,66,577/- (Rupees six lakhs sixty six thousand five hundred and seventy seven only) with interest at 18.00% per annum, compounded monthly.

Further, the defendant is hereby directed to pay cost of the suit to the plaintiff. The Advocate for the plaintiff is directed to file Memorandum of

Cost before the Office within 5 days from today.

Draw decree accordingly.

The Office is directed to send copy of this judgment to plaintiff and defendant to their email ID as required under Order XX Rule 1 of the Civil Procedure Code read with Section 16 of the Commercial Courts Act.

(Dictated to the Stenographer, typed by her, corrected and then pronounced by me in open Court on this the **29th day of SEPTEMBER, 2021**).

(CHANDRASHEKHAR U),
LXXXVII Addl.City Civil & Sessions Judge,
(Exclusive Commercial Court)
Bengaluru.

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

PW-1 Mrs.MEERA G SINGH

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE PLAINTIFF

Ex.P-1	Sanction order
Ex.P-2	Credit sanction intimation
Ex.P-3	Loan agreement
Ex.P-4	Hyphothecation agreement
Ex.P-5	Particulars of hyphothecation
Ex.P-6	Consent letter given by the defendant
Ex.P-7	Office copy of the legal notice
Ex.P-8	Postal receipt
Ex.P-9	Unserved envelops
to Ex.P-10	Account extract
to Ex.P-11	Copy of the power of attorney

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENDANT

NIL

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE DEFENDANT

NIL

(CHANDRASHEKHAR U),
LXXXVII Addl.City Civil & Sessions Judge,
Bengaluru.

XXXXX

30.08.2021

P –
D1-
D2 – Exparte
For Judgment

The Judgment is pronounced in Open Court vide separate Judgment. The operative portion of the said Judgment is as follows :-

ORDER

The suit of the plaintiff is decreed with costs.

The defendant is hereby directed to pay to the plaintiff a sum of Rs.6,66,577/- (Rupees six lakhs sixty six thousand five hundred and seventy seven only) with interest at 18.00% per annum, compounded monthly.

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Draw decree

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**LXXXVII ACC&SJ,
B'LURU.**