

KARN210011242023



**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE &
J.M.F.C., AT CHANNAPATNA.**

: PRESENT :

SRI.VENKATESHAPPA V, B.A. L.L.B.,
Prl.Senior Civil Judge & JMFC.,
Channapatna.

DATED THIS THE 05th DAY OF JUNE - 2026

O.S.NO.162/2023

PLAINTIFF:

Sri. Durgesh B S/o Beeresh,
Aged about 38 years. R/at:
Office at near Kuvempu college,
Vandaraguppe Village, Kasaba
Hobli, Channapatna Taluk,
Ramanagara District.

(By Sri.P.K.V., Advocate)

-V/s-

DEFENDANTS:

1.Smt.Lakshamma W/o Late
Shankar, Aged about 36 years.

2.Sri. Mahdesha S/o Late
Shankar, Aged about 19 years.



3. Puneeth S/o Late Shankar,
Aged about 14 years.
(Defendant No.3 minor rep. by
natural guardian her mother)

All are R/at: Beereshwara
Hotel, Lakshmipura Village,
Sathanur Main Road, Kasaba
Hobli, Honganur Post,
Channapatna Taluk,
Ramanagara District.

(EX-PARTE)

Date of filing of the Suit	14.08.2023
Nature of Suit	Recovery of Money
Date of Judgment	05.06.2026
Duration of the Suit	Year/s Month/s Day/s 02 09 23

(VENKATESHAPPA V.)
**Prl. Senior Civil Judge & JMFC.,
Channapatna.**

JUDGMENT

The Plaintiff has filed this suit against the Defendants
for recovery of money a sum of Rs.9,50,000/- with



interest at the rate of 24% PA, from the date of the suit till the date of realization and cost and such other reliefs.

2. The factual matrix of the case needs to be placed in chronological manner:

The plaintiff is proprietor of Beereshwara Finance. The husband of defendant No.1 & father of defendant No.2 & 3 by name Shankar being owner of Beereshwara Hotel and approached the plaintiff and availed loan of Rs.2,50,000/- (two lakhs Fifty Thousand) on 04.10.2022 for financial crises and also business arrangements at Channapatna and agreed to repay within two months. Accordingly cleared the amount of Rs.2,50,000/- on 22.01.2023. Again the plaintiff paid amount a sum of Rs.9,50,000/- as loan to husband of defendant No.1 & father of defendant No.2 & 3 by name Shankar without documents. Meanwhile, the said Shankar issued cheque bearing No.459238 on 19.05.2023 drawn on State Bank of India, Channapatna Branch. The plaintiff has



presented said cheque for collection of amount on 24.05.2023 through Bank Of Baroda, Channapatna Branch wherein issued endoresement of **“FUNDS INSUFFICIENT”**. The plaintiff issued a legal notice on 09.06.2023 to the defendants and served to them. The defendants neither replied nor complied. The husband of defendant No.1 & father of defendant No.2 & 3 by name Shankar was died on 23.05.2023. The defendants are legal heirs and successors of him. Hence filed this suit.

3. In-spite of issuance of summons, the defendant No.1 to 3 have failed to appear before this court and thereby, they have been placed ex-parte.

4. Based on the above pleadings, the following points arise for my consideration:

POINTS

- 1 Whether the plaintiff proves that defendants are due a sum of Rs.9,50,000/- with interest at the



rate of Rs.24% per annum from the date of suit till the date of realization?

2 What order or decree ?

5. In order to prove the case, plaintiff himself examined as PW.1 and two witnesses examined as PW 2 & PW3 and got marked Ex.P.1 to Ex.P.9.

6. Heard the arguments from plaintiff counsel and perused the materials available on record.

7. **My findings on the above Points are as follows:**

Point No. 1 : In the Partly Affirmative

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

REASONS

8. **POINT NO.1** : The case of plaintiff is that the plaintiff is proprietor of Beereshwara Finance. The husband of defendant No.1 & father of defendant No.2 & 3 by name Shankar being owner of Beereshwara Hotel and



approached the plaintiff and availed loan of Rs.2,50,000/- (two lakhs Fifty Thousand) on 04.10.2022 for financial crises and also business arrangements at Channapatna and agreed to repay within two months. Accordingly cleared the amount of Rs.2,50,000/- on 22.01.2023. Again the plaintiff paid amount a sum of Rs.9,50,000/- as loan to husband of defendant No.1 & father of defendant No.2 & 3 by name Shankar without documents. Meanwhile, the said Shankar issued cheque bearing No.459238 on 19.05.2023 drawn on State Bank of India, Channapatna Branch. The plaintiff has presented said cheque for collection of amount on 24.05.2023 through Bank Of Baroda, Channapatna Branch wherein issued endoresement of **“FUNDS INSUFFICIENT”**. The plaintiff issued a legal notice on 09.06.2023 to the defendants and served to them. The defendants neither replied nor complied. The husband of defendant No.1 & father of defendant No.2 & 3 by name



Shankar was died on 23.05.2023. The defendants are legal heirs and successors of him. In support thereto, the plaintiff/PW.1 produced cheque, Bank endorsement, legal notice, Postal receipts, Postal acknowledgments marked as Exs.P.1 to 9 which clearly established the averments of suit. In support of suit, the plaintiff examined two more witnesses – PW2 & PW3 deposed in support of version of suit. After perusing the said documents, it appears that the defendant had borrowed loan a sum of Rs.9,50,000/- from the plaintiff and due to the plaintiff. In this case, the defendants placed ex-parte and failed to utilize the opportunity to contest the matter. There is no reason to disbelieve the oral and documentary evidence of plaintiff. After perusing the said documents, I hold that defendants are due to the plaintiff bank as contended in the plaint. Hence, ***I answered Point No.1 partly in Affirmative.***



9. **POINT NO.2:** For the reasons discussed herein above,
I proceed to pass the following:

ORDER

The suit of the plaintiff is partly decreed with cost.

The defendants are liable to pay the suit claim of **Rs.9,50,000/-** (Rupees Nine Lakh Fifty Thousand only) with interest at 6% per annum from the date of the suit till the realization.

Draw Preliminary decree Accordingly.

*(Dictated to the Stenographer, on computer, then corrected and pronounced by me in open court, on this the **05th day of June - 2026**).*

(VENKATESHAPPA V.)
Prl. Senior Civil Judge & JMFC.,
Channapatna

ANNEXURE

1. **Witnesses examined on behalf of the plaintiff:**

PW1	:	Sri.Durgesh B
PW2	:	Sri.S. Mahesh
PW3	:	Sri.Nagendra R



2. Documents marked on behalf of the plaintiff:

Ex.P1 : Cheque dt:19.05.2023
Ex.P2 : Bank Endorsement
Ex.P3 : Legal Notice
Ex.P4 to 6: Postal Receipts
Ex.P7 to 9: Postal acknowledgments

3. List of witnesses examined on behalf of the defendant :

- NIL -

4. List of Documents marked on behalf of the defendant :

- NIL -

(VENKATESHAPPA V.)
**Prl. Senior Civil Judge & JMFC.,
Channapatna.**