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**IN THE COURT OF PRL. SENIOR CIVIL JUDGE AND
JMFC AT BHADRAVATHI**

Dated this the 4th day of July, 2026

PRESENT: Sri Raghavendra. D., B.Com., L.L.B.,
PRL. SENIOR CIVIL JUDGE & JMFC.,
BHADRAVATHI.

O.S.No.55/2023

Plaintiff: Smt.Yashodha,
W/o Late Sri.T.M.Veerabhadraiah,
Aged about 42 years,
Cloth business,
R/o Kadadakatte village,
Bhandarahalli, Kavalagundi Post,
Bhadravathi Taluk.

(By Adv., Sri.D.Ashok)

/VS/

Defendants: 1. Smt.Manjula,
W/o Late Sri.Manjappa,
Aged about 48 years,
Housewife.
2. Smt.Manasa,
D/o Late Sri.Manjappa,
Aged about 29 years,
3. Smt.Priyanka,
D/o Late Sri.Manjappa,
Aged about 25 years,

4. Sri.Manoj,
S/o Late Sri.Manjappa,
Aged about 22 years,

All are Resident of Door No.436,
Block No.38, KSRP house quarters,
KSRP 2nd Betalian. Machenahalli,
Nidige Post, Shivamogga Taluk.

(D1 to D.4: By Adv., Sri.Sharath Kumar.)

Date of Institution of suit	:	10.02.2023		
Nature of Suit	:	Suit for recovery of money		
Date of Recording evidence	:	20.06.2023		
Date on which the Judgment was pronounced	:	04.07.2026		
Total duration:		Year/s -03-	Month/s -04-	Day/s -25-

(Raghavendra. D.)
Prl. Senior Civil Judge & JMFC.,
Bhadravathi.

* * * * *

J U D G M E N T

This is a suit filed by the plaintiff against defendants for recovery of money.

2. It is the case of the plaintiff in brief is that deceased Sri.Manjappa was husband of 1st defendant and father of defendant No.2 to 4. Late Sri.Manjappa known to her from several years.

During his life time for his domestic needs he requested loan amount of ₹.7,00,000/-, she was having trust over Late Sri.Manjappa she agreed to lend money and she has paid ₹.7,00,000/- to Late Sri.Manjappa by cash on 10.02.2021 and he agreed to pay interest @ 2% per month and also executed On Demand Promissory Note and consideration receipt in her favour. Late Sri.Manjappa paid interest of ₹.14,000/- up to October 2022. Unfortunately, he died on 9.12.2022 and defendants received death benefits and also got job under compensatory ground. She demanded defendants to pay loan due amount, but they refused to pay loan due amount which borrowed by Late Sri.Manjappa. Hence, she forced to file the suit against defendants for recovery of ₹.7,56,000/-.

3. On service of summons, defendant No.1 to 4 appeared before the Court through their counsel. Defendant No.1 filed written statement, defendant No.2 to 4 adopted the written statement of defendant No.1 by filing memo.

4. Defendant No.1 to 4 in their written statement they have denied the borrowing of loan by Late Sri.Manjappa and further, they have contended that from the year 2000 Late Sri.Manjappa by consuming alcohol assaulting to 1st defendant, in the interest of feature of their children she tolerated all his ill-treatment. All of a

sudden in the year 2015 by consuming alcohol he assaulted her and driven out from the house, then she took shelter in Chitradurga and residing in a rented house. In the year 2015 she has filed a Cr.Mis.Petition No.83/2017 against her husband seeking maintenance in Chitradurga Court. Her husband was not providing any basic necessities to her and her children. Late Sri.Manjappa addicted to alcohol and having illicit relationship with women and he addicted to all bad habits. From 2015 there was no contact between her and her husband. He has not borrowed any alleged loan for the purpose of legal necessity. Late Sri.Manjappa addicted to alcohol and having illicit relationship with plaintiff and by misusing the same she might have took signatures to the documents and created documents which is advantages to her with the help of witnesses in order to grab death benefits. The plaintiff has no financial capacity to lend ₹.7,00,000/-, they are not liable to pay for any debt incurred by Late Sri.Manjappa for his bad habits. Late Sri.Manjappa died due to excess consumption of alcohol and earlier to his death he has also borrowed loan from State Bank of India, Shivamogga for ₹.7,00,000/- in the year 2022 and same was also utilized by plaintiff and Late Sri.Manjappa. Hence, prays to dismiss the suit.

5. Based on the above pleadings, my learned predecessor in office framed the following:

ISSUES

- 1. Whether the plaintiff proves that deceased Manjappa borrowed loan of ₹.7,00,000/- from her by executing on demand pronote?**
- 2. Whether the defendants prove that plaintiff has created the loan document by misusing the drunkenness of deceased Manjappa as alleged?**
- 3. Whether the plaintiff is entitled to the suit claim?**
- 4. What decree or order?**

6. In order to prove the case of plaintiff, she has stepped into witness box and filed an affidavit in lieu of chief-examination by reiterating her plaint averments and examined as PW-1 and she also examined two more witnesses by name Sri.V.S.Raghavendra and Sri.Prakash Kumar as PW-2 & 3 respectively. The plaintiff got produced and marked Ex.P.1 to P.5 - documents and closed her side of evidence. Per contra, in order to rebut the case of plaintiff, the defendant No.1 stepped into witness box and filed an affidavit in lieu of chief-examination by reiterating her written statement averments and examined as DW-1. The defendants got produced

and marked Ex.D.1 to D.7 - documents and closed their side of evidence.

7. Heard arguments on both sides and perused the materials available on record.

8. My answers to the above issues are as under:

Issue No.1: In the affirmative,

Issue No.2: In the negative,

Issue No.3: In the affirmative,

Issue No.4: As per final order

for the following:

REASONS

9. **Issue No.1 & 2:** - Both issues are taken up together for discussion as they are interlinked each other in order to avoid repetition of facts and evidence.

It is the case of the plaintiff that Late Sri.Manjappa known to her from several years, for his domestic purpose he requested for hand loan of ₹.7,00,000/- and by having trust over him she has paid ₹.7,00,000/- to Late Sri.Manjappa in the year 2021 and he agreed to pay interest @ 2% per month and also he has executed On Demand Pronote and consideration receipt in presence of witnesses. During his life time he was paying interest of ₹.14,000/- per month and he died on 9.12.2022. The defendants

have received death benefits and also got job under compensatory ground, but inspite of demand they have not returned loan due amount which borrowed by Late Sri.Manjappa.

10. The defendants in their written statement they have admitted the relationship with Late Sri.Manjappa. The said Late Sri.Manjappa is husband of 1st defendant and father of defendant No.2 to 4. They have contended that Late Sri.Manjappa addicted to bad habits, by consuming alcohol he was assaulting and ill-treating to 1st defendant from 2000, she has tolerated all ill-treatment in the interest of her children. In the year 2015 he has severely assaulted her and driven out from the house, then she started to reside in Chitradurga in a rented house and she has also filed Cr.Mis.petition against her husband seeking maintenance. Further, the defendants have contended that he addicted to alcohol and also having extra marital relationship with other women and he was not maintaining his wife and children. Further, it is the case of the defendants that Late Sri.Manjappa had illicit relationship with plaintiff and by taking advantage of relationship with her and consumption of alcohol by him she might have took signatures of late Sri.Manjappa and crated documents with the help of witnesses to grab the death benefits of Late Sri.Manjappa. Late Sri.Manjappa borrowed a loan from State

Bank of India and same was utilized by the plaintiff and Late Sri.Manjappa. Debts incurred by Sri.Manjappa for his illegal activities, they are not liable to pay any amount to the plaintiff.

11. The plaintiff in order to prove Late Sri.Manjappa borrowed loan from her she has produced Ex.P.1 – On Demand Pronote and consideration receipt. As per said document in the year 2021 Late Sri.Manjappa borrowed loan of ₹.7,00,000/- from plaintiff. In order to prove execution of Ex.P.1 & P.2 – documents and borrowing of ₹.7,00,000/- the plaintiff herself examined as PW-1. In her chief-examination also she has deposed that Late Sri.Manjappa borrowed ₹.7,00,000/- from her for domestic purpose.

12. PW-1 in her cross-examination she has deposed that she is residing in Kadadakatte from last 20 years, her husband died and he was in Government job. She is doing cloth business from last 15 years. She knew Late Sri.Manjappa, his wife and children. Late Sri.Manjappa was working as Head Constable in KSRP and she knew him for about 10 years and he died on 9.12.2022. In her house she has paid money to Late Sri.Manjappa. Prior to one month back in payment of money he requested for loan, she paid money in presence of Sri.Raghavendra who is also working in KSRP and Sri.Gurumurthy and Sri.Ananda Kumar. She has paid money by

cash, she has sold house and purchasers paid cash and same was kept in her house. Further, in her cross-examination she has deposed that witnesses subscribed their signatures and Late Sri.Manjappa also executed On Demand Pronote.

13. In support of her evidence she has also examined one witness by name Sri.V.S.Raghavendra, working at KSRP, Bhadravathi as PW-2. In his chief-examination he deposed that during life time of Late Sri.Manjappa he borrowed ₹.7,00,000/- from plaintiff on 10.02.2021 for his domestic necessity and he agreed to repay the same with interest @2% per month. At the time of borrowing loan he has executed On Demand Pronote and consideration receipt, he is also one of the witness to the said document. PW-1 & 2 have identified the signatures. The defendants have not cross-examined PW-2 inspite of granting sufficient opportunity. So, there is nothing on record to disbelieve the evidence of PW2.

14. Further, plaintiff in order to prove signatures of Late Sri.Manjappa, she has summoned Manager of State Bank of India, Shivamogga and he has been examined as PW-3. PW-3 produced specimen signatures of Late Sri.Manjappa maintained in their bank and also he has deposed that ₹.14,000/- transferred from the

account of Late Sri.Manjappa to the account of Smt.Yashoda. The plaintiff produced Ex.P.2 – bank statement of her to show that she was received interest from Late Sri.Manjappa.

15. The defendants denied financial capacity of plaintiff. In order to show she had financial capacity to lend money she has produced Ex.P.4 – copy of sale deed executed by her in favour of Sri.R.Pradeep Kumar and Smt.Pavithra dated 21.01.2021. As per said document she has sold property for ₹.18,00,000/-. PW-1 in her cross-examination she has deposed that purchaser paid sale consideration amount by cash and same was kept in her house.

16. The defendants in their written statement they have contended that Late Sri.Manjappa addicted to alcohol and also he has illicit relationship with plaintiff, by misusing that she might have taken signatures of Late Sri.Manjappa and created said document. In order to prove contention of the defendants, defendant No.1 stepped into witness box filed an affidavit in lieu of her chief-examination by reiterating her written statement averments. In her chief-examination also she has deposed that her husband addicted to bad habits and he is having extra marital relationship and also she has denied the execution of Ex.P.1 – document. DW-1 in her cross-examination also she has denied execution of Ex.P.1 by her

husband. Except denying she has nothing placed before Court to prove her husband not executed Ex.P.1 – document.

17. The plaintiff in order to prove execution of said document she has produced On Demand Pronote as per Ex.P.1 and also she has deposed that in presence of witnesses he has executed Ex.P.1 – document. Both PW-1 & 2 have identified signatures of Late Sri.Manjappa and also deposed regarding execution of said document and payment of loan amount. On perusal of evidence of PW1 and PW2 there is nothing on record to disbelieve the evidence of PW-2. Though, the defendants have taken a contention that Ex.P.1 – document is created document, but they have nothing placed before Court to prove that Ex.P.1 is created document. Just by taking contention by the defendants itself is not sufficient, they have to prove that said document was created and concocted. The plaintiff by producing Ex.P.1 – document and examining the witness she has proved borrowing of loan of ₹.7,00,000/- by Late Sri.Manjappa by executing Ex.P.1 – document. The materials placed by the plaintiff before Court are sufficient to prove execution of document and borrowing of loan of ₹.7,00,000/- by Late Sri.Manjappa. Hence, **I answered issue No.1 in the affirmative and issue No.2 in the negative.**

18. **Issue No.3:** - On perusal of entire record, it is admitted fact that Late Sri.Manjappa is husband of defendant No.1 and father of defendant No.2 to 4. DW-1 in her cross-examination she has deposed that her husband was working in KSRP from 2005 as permanent employee, herself and her children were residing in departmental quarters. When her husband died he was aged about 55 years. She has received ₹.12,00,000/- from police department and now she is receiving family pension of ₹.30,000/- per month. The defendants have contended that Late Sri.Manjappa addicted to bad habits and also addicted to alcohol and also had illicit relationship with plaintiff and he never borrowed money from the welfare of the family. Further, defendants have contended that from 2000 he addicted to alcohol and ill treating her, in the year 2015, he was driven out her from the house and she started to reside in Chitradurga in a rented house, she has filed a Cr.Mis.petition seeking maintenance from her husband Late Sri.Manjappa. In order to prove she was not residing with Late Sri.Manjappa, she has produced Ex.D.1 – petition copy of Cr.Mis.No.83/2017 and Ex.D.2 is copy of order passed by the learned I Addl. Civil Judge & JMFC., Chitradurga, wherein Court awarded monthly maintenance of ₹.8,000/- to the defendant No.1.

19. The defendants in order to prove Late Sri.Manjappa addicted to alcohol they have produced Ex.D.3 – short stay summary issued by the Kasturba hospital, Manipal. Wherein doctor diagnosed as follows: -

- 1) Decompensated chronic liver disease – portal hypertension.
- 2) Grade 4 hepatic encephalopathy
- 3) Upper Gastrointestinal bleed.
- 4) Acute Kidney injury – oliguric hepatorenal syndrome
- 5) Acute pancreatitis
- 6) Alcohol dependent syndrome

20. As per Ex.D.3 – document it appears that Late Sri.Manjappa was consuming alcohol. The contention of the defendants that as Late Sri.Manjappa not received money for the welfare of the family, he used for his bad habits, as such they are not liable to pay loan due amount to the plaintiff. Further, the learned counsel for the defendants vehemently argued that the defendant are not liable for Avyavaharika debt. No doubt, the defendants are not personally liable to pay dues to the plaintiff, but they are liable to pay dues out of the estate of the deceased which they acquired from Sri.Manjappa.

21. The Hon'ble Apex Court in between **Sri Vinayak Purshottam Dube (deceased) through LR's., Vs. Smt.Jayashree Padmakar Bhat & others** held at **para 26** as follows: -

"If the estate of the deceased becomes liable then the legal representatives who in law represent the estate of a deceased person or any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character, the person on whom the estate devolves on the death of the party so suing or sued is liable to the extent the estate has devolved. Hence, what is crucial is that the estate of a deceased person which becomes liable and the legal representatives must discharge their liability to a decree holder or a person who has been granted an order to recover from the estate of the deceased which they would represent and not beyond it."

In para No.30: -

"Thus, any decree which is relatable to the extent of the property of the deceased which has come to the hands of the legal representatives and has not been duly disposed of, the same would be liable for execution by a decree holder so as to compel the legal representatives to satisfy the decree."

22. In view of ratio laid down by the Hon'ble Apex Court, the plaintiff can recover the loan due amount from the estate of deceased Sri.Manjappa. Hence, the defendant No.1 to 4 are liable to pay suit claim amount to the plaintiff from the estate of deceased Sri.Manjappa. This Court already came to conclusion that the

plaintiff proved that deceased Sri.Manjappa borrowed a loan of ₹.7,00,000/- by executing On Demand Pronote. Now, the plaintiff claiming interest @ 2% per month. On perusal of ExP.1 – document, deceased Sri.Manjappa agreed to pay interest @ 2% per month, same was not disproved by the defendants. Hence, plaintiff is entitled for interest as agreed. Hence, **I answered issue No.3 in the affirmative.**

23. **Issue No.4:** In view of aforesaid discussions, I proceed to pass the following:

ORDER

Suit of the plaintiff is hereby decreed with cost.

The plaintiff is entitled for recovery of suit claim amount of ₹.7,56,000/- with interest @ 2% per month out of estate of Late Sri.Manjappa.

If the defendants failed to pay decree amount, the plaintiff is at liberty to recover the same out of estate of deceased Sri.Manjappa in accordance with law.

Draw decree accordingly.

(Dictated to the Stenographer, transcribed by her and then corrected and pronounced by me in the open court dated this the 4th day of July, 2026)

(Raghavendra. D.)
Prl. Senior Civil Judge & JMFC.,
Bhadravathi.

ANNEXURE

List of Witnesses examined on behalf of the plaintiff:

PW-1: Smt.Yashodha

PW-2: Sri.V.S.Raghavendra

PW-3: Sri.R.Prakash Kumar

List of Witnesses examined on behalf of the defendants:

DW-1: Smt.Manjula

List of documents exhibited on behalf of the plaintiff:

Ex.P.1: On Demand Pronote with consideration receipt

Ex.P.1(a) to (h): Signatures of witnesses

Ex.P.2: Account statement of Sri.Manjappa

Ex.P.3: Notarized copy of pension book

Ex.P.4: C/c of registered sale deed dated: 21.01.2021.

Ex.P.5: Copy of account statement of Manjappa,
copy of mobile number registration document,
copy of specimen signature of Manjappa,
copy of Adhar card of Manjappa and
copy of death certificate.

List of documents exhibited on behalf of the defendants:

Ex.D.1: C/c of Cr.Mis.petition No.83/2017

Ex.D.2: C/c of order in Cr.Mis.Petition No.83/2017

Ex.D.3: Short stay summary of Kasturba hospital, Manipal

Ex.D.4: Resignation acceptance letter

Ex.D.5: ESI certificate

Ex.D.6: Endorsement issued by Bank

Ex.D.7: Bank statement of Sri.Manjappa

(Raghavendra. D.)
Prl. Senior Civil Judge & JMFC.,
Bhadravathi.