KATK200001522026

IN THE COURT OF THE SENIOR CIVIL JUDGE AND J.M.F.C., AT CHIKKANAYAKANAHALLI.

Present:- Sri. SATISH S.T., B.Com., LL.B.,
Senior Civil Judge and J.M.F.C.,
Chikkanayakanahalli.

Dated :- This the 17th day of June, 2026

FDP.No.25/2026

PETITIONER: Karnataka Grameen Bank, a body of corporate constituted under Banking Companies Act sponsored by Canara Bank, having its branch office at Sadashivanagara Tumakuru, Head Office at Ballary-583103 and having branch Office at Hoysalakatte, C.N.Halli Taluk, R/b its Manager

V/S

RESPONDENTS:
1. Parvathamma S/o B.M Rangaiah, Aged about 60 years,
2. Rangaswamy S/o Late Rangaiah, Aged about 42 years,
3. Ramesh S/o Late B.M. Rangaiah, Aged about 37 years,

All are R/o Badakegudlu village, Huliyar Hobli, C.N halli Ttaluk, Tumkur District.

ORDER ON APPLICATION U/O 34 RULE 8 OF CPC

This petition is filed by the petitioner praying to pass final decree proceedings based on preliminary decree passed in OS.No.52/2023 on 20.12.2024 for recovery of sum of

Rs.5,10,609/- with interest at the rate of Rs.13.50% per annum from the date of suit till realization of claim amount and Court cost such other reliefs.

SCHEDULE

1. Property bearing Sy.No.7/4 extent 0A-18 guntas, situated at Badakegudlu village, Huliyar Hobli, C.N Halli Taluk, Tumkur District.

2. Property bearing Sy.No.10/1 extent 1A-10 guntas, situated at Badakegudlu village, Huliyar hobli, C.N Halli Taluk, Tumkur District.

(From hereafter called as suit schedule property)

The case of the plaintiff's are as follows:-

2. That the petitioner Bank had filed this suit against the respondents before this Court for recovery of Rs.5,10,609/- with costs and agreed rate of interest and also prayed for preliminary decree with costs and etc., in OS.No.52/2023. The respondents have placed exparte and thereby this Court recorded the evidence on behalf of the plaintiff bank and after hearing the arguments, this Court was pleased to decree the suit by its judgment dated 20.12.2024 and ordered for drawing up of preliminary decree. Despite the judgment and preliminary decree, the respondents have failed to pay the decretal amount as per the preliminary decree passed by this Court eventhough the respondents are legally bound to pay the same as per law. The respondents have not preferred any

appeal against the judgment and decree passed by this Court in OS.No.52/2023 dated 20.12.2024 within 30 days from the date of judgment. The certified copy of the judgment and preliminary decree passed in OS.No.52/2023 is produced herewith. That the cause of action to this petition arose at C.N.Halli Taluk within the jurisdiction of this Court and subsequently when the respondents have failed to repay the decretal amount with interest as per the judgment and preliminary decree passed by this Court in OS.No.52/2023 dated 20.12.2024. By this submission they pray for allow this petition.

3. After receiving the notice, the respondents have not appeared, hence they placed exparte and case was posted for petitioner evidence.

4. In order to prove the case of the petitioner, the petitioner himself examined as PW1 and marked 2 document as Ex.P1 and Ex.P2 and closed his side.

5. I have heard the arguments of petitioner.

6. Perused application, deposition and case papers.

7. To decide this application following points are arises for my consideration;

P O I N T S

1) Whether the petitioner has made out sufficient grounds to pass final decree ?
2) What order?

8. My answer to the above points are as follows;

Point No.1: In the Affirmative
Point No.2 : As per final order,
for the following;

R E A S O N S

9. **Point No.1**:- The petitioner has filed this final decree proceedings based on preliminary decree passed in OS.No.52/2023 on 20.12.2024. In order to prove the case of the petitioner, the petitioner himself examined as PW1 in his examination-in-chief he deposed reiterating the petition averments and produced certified copy of judgment and decree in OS.No.52/2023 dated 20.12.2024 which are marked as Ex.P1 and Ex.P2. On perusal of this document it goes to shows that, this Court was passed preliminarily decree and directed to respondents to repay the decree amount of Rs.5,10,609/- with interest at the rate of 13.50% per annum from the date of petition till realization of amount within two months from the date of order. Eventhough, the respondents have not paid decree amount in this petition also they have not appeared and not resisted the claim made by the petitioner. It is settled principle of law that unless and until the substantial evidence is challenged by other side it cannot be doubted. From the documentary and oral evidence the respondents have not paid the decree amount eventhough sufficient time was granted.

Hence, the petitioner is entitled recovery of the said amount as per preliminary decree by selling mortgaged properties as shown in the schedule. Hence, holding that, the petitioner is made out sufficient grounds to pass final decree in this petition. **Hence, I have answered Point No.1 in the Affirmative.**

10. **Point No.2:-** in view of various reasons and discussions made on point No.1, I proceed to pass the following;

O R D E R

The petition filed by the petitioner under Order 34 Rule 8 of CPC., is hereby allowed with cost.

The petitioner is entitled recovery of Rs.5,10,609/- with interest at the rate of 13.50% per annum from the date of suit till realization of claim amount by selling mortgaged petition schedule properties through process of law.

If the sale consideration amount fall short, the petitioner is entitled recovery the remaining amount from the respondents personally.

Draw final decree accordingly.

(Dictated to the Stenographer, typed by him and corrected, signed and then pronounced by me in the Open Court on this the 17th day of June, 2026).

(SATISH S.T.)
Senior Civil Judge & JMFC.,
C.N Halli.

A N N E X U R E

1. **List of witnesses examined for the petitioner:-**

PW.1	Krishna K.S.

2. **List of documents exhibited for the petitioner:-**

Ex.P1	Copy of judgment in OS.52/2023
Ex.P2	Copy of decree in OS.52/2023

3. **List of witnesses examined for the respondents:-**

N I L

4. **List of documents exhibited for the respondents:-**

N I L

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