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**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 20th day of June, 2026

FDP.No.26/2026

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 Matighatta,
C.N.Halli Taluk, R/b its Manager

V/S

RESPONDENTS: 1.Rathnamma W/o Jayanna.,
Aged about 60 years,
2.Rudresh S/o Jayanna.,
Aged about 42 years,
Both are R/o Upparahalli village,
Baraguru Post, Handanakere
Hobli, C.N.Halli Taluk,
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.92/2025 on 30.08.2025 for recovery of sum of
Rs.15,92,242/- with interest at the rate of Rs.12.00% per



annum from the date of suit till realization of claim amount and Court cost such other reliefs.

SCHEDULE

1. The property bearing Sy.No.11/1 measuring 00.38 guntas situated at Upparahalli village, Handanakere Hobli, C.N.Halli Taluk, Tumkur District.
2. The property bearing Sy.No.11/2 measuring 1.03 guntas situated at Upparahalli village, Handanakere Hobli, C.N.Halli Taluk, Tumkur District.
3. The property bearing Sy.No.13/3 measuring 01.03 guntas situated at Upparahalli village, Handanakere Hobli, C.N.Halli Taluk, Tumkur District.
4. The property bearing Sy.No.13/4 measuring 00.17 guntas situated at Upparahalli village, Handanakere Hobli, C.N.Halli Taluk, Tumkur District.
5. The property bearing Sy.No.14/2C measuring 02.12 guntas situated at Upparahalli village, Handanakere Hobli, C.N.Halli Taluk, Tumkur District.
6. The property bearing Sy.No.76/4 measuring 00.20 guntas situated at Upparahalli village, Handanakere Hobli, C.N.Halli Taluk, Tumkur District.
7. The property bearing Sy.No.102 measuring 02.00 guntas situated at Upparahalli village, Handanakere Hobli, C.N.Halli Taluk, Tumkur District.
8. The property bearing Sy.No.103 measuring 00.36 guntas situated at Upparahalli village, Handanakere 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.15,92,242/- with costs and agreed rate of interest and also prayed for preliminary decree with costs and etc., in OS.No.92/2025. 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 30.08.2025 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.92/2025 dated 30.08.2025 within 30 days from the date of judgment. The certified copy of the judgment and preliminary decree passed in OS.No.92/2025 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.92/2025 dated 30.08.2025. By this submission they pray for allow this petition.



3. After receiving the notice, the respondents have not appeared, hence they placed *ex parte* 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.92/2025 on 30.08.2025. 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.92/2025 dated 30.08.2025 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.15,92,242/- with interest at the rate of 13.75% 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;

ORDER

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.15,92,242/- with interest at the rate of 12.00% 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 20th 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	S.A.Manjunatha
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2. List of documents exhibited for the petitioner:-

Ex.P1	Copy of judgment in OS.92/2025
Ex.P2	Copy of decree in OS.92/2025



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.