

KAVN200003982023



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

PRESENT : SRI. YOGESHA. J., B.A., LL.B.,

DATED THIS 24TH DAY OF APRIL, 2026

R.A. No. 08/2023

APPELLANTS

1) The President,
Grama Panchayath at Jarmali,
Jarmali Village,
Kudligi Town and Taluk,
Vijayanagara District.

2) P.D.O. (Panchayath Development Officer),
at Gramapanchayath, Jarmali, Jarmali Village,
Kudligi Town and Taluk, Vijayanagara District.

(By Sri. G.M.M., Advocate)

V/s

RESPONDENT

Pampanna,
S/o Late P. Siddanna,
Aged 56 years, Businessmen,
Pattan Setru Traders,
R/o Pampanna Compound,
Main road, Kudligi town and Taluk,
Vijayanagara District.

(By Sri. A.S.P., Advocate)

Date and nature of the decree or order appealed against	Against the Judgment and decree dated 23.01.2023 in O.S No. 164/2014 on the file of the Civil Judge and JMFC, Kudligi.		
Date of Institution of Appeal	23.01.2023		
Date of pronouncement of Judgment	24.04.2026		
Duration of Appeal	<u>Year/s</u>	<u>Month/s</u>	<u>Day/s</u>
	03	02	01

JUDGMENT

Defendants in O.S. No.164/2014 on the file of the learned Civil Judge and J.M.F.C, Kudligi, have preferred this appeal challenging the judgment and decree dated 23.01.2023 in decreeing the suit of the plaintiffs in part for recovery of money.

2. Respondent herein was the plaintiff before the Trial Court in the suit. Suit in O.S. No. 164/2014 was filed by the plaintiff for the relief of recovery of money. ***(Parties herein shall be referred to as per their rank before the Trial Court for the sake of convenience.)***

3. It is the case of the plaintiff before the learned Trial Court that plaintiff is doing hardware business under the name and style of Pattana Shettaru Traders at Kudligi town. The defendant on 19.05.2012, 26.05.2012, 02.06.2012 and 05.06.2012 had purchased certain items from the plaintiff for a sum of Rs.80,060/- Rs.54,250/-, Rs.98,150/- and Rs.25,225/- respectively, totally to the tune of Rs.2,57,685. Though plaintiff requested the defendants to pay the said amount, but defendants have refused to pay the said amount. Thus the plaintiff also got issued legal notice to the defendants calling upon them to pay the due amount, but defendants neither paid said amount nor replied to the said notice. Thus plaintiff has no other alternative remedy but to file the suit before the learned Trial Court for recovery of amount of Rs.3,88,685/- along with interest at the rate of 24% p.a.

4. In pursuant to suit summons defendants appeared through their counsel and filed their written statement, wherein they contended that they have not at all purchased any item from the plaintiff for the purpose of panchayath development works. The plaintiff the then President and P.D.O of Harakabhavi Grama Panchayath

have created false bills. The defendants have also converted that there is no cause of action for the plaintiff to file the suit. ON these set of grounds the defendants prayed before the learned Trial Court for the dismissal of suit.

5. On the basis of the plaint the learned Trial Court has framed the following issues:

: ISSUES :

1. *Whether plaintiff proves that the defendants No.1 and 2 have purchased the items from the plaintiff's shop to an extent of Rs.2,57,685/-?*
2. *Whether the defendants prove that there is no cause of action for this suit ?*
3. *Whether the plaintiff is entitled to the suit claim?*
4. *What order or decree ?*

6. The plaintiff got examined himself before the learned Trial Court as PW-1 and also got marked 8 documents as Ex.P-1 to 8. The defendants did not adduce

their evidence and no documents were marked before the learned Trial Court on their behalf.

7. Trial Court after hearing the plaintiff, vide judgment and decree dated 23.01.2023 decreed the suit of the plaintiff holding that the defendants are liable to pay an amount of RS.3,88,685/- along with interest at 6% p.a. on Rs.2,57,685/- from the date of suit, till actual realization and accordingly directed to draw decree. Being aggrieved by the said judgment, defendants have preferred this appeal, on the following grounds.

- (a) That the judgment of the Trial court is contrary to law and probabilities of the case weight of evidence.
- (b) The learned trial Court failed to frame the proper issues on the basis of pleadings of parties and materials placed on record. The learned Trial Court has failed to have not given sufficient opportunity to lead the evidence of the defendant side. Therefore, Judgment and decree passed by the learned Trial Court is not in accordance with law liable to be set aside.

- (c) The learned Trial Court failed to appreciate the oral evidence adduced and documentary evidence produced by parties properly and passed impugned judgment and decree which is liable to be set aside.
- (d) The learned Trial Court failed to consider the specific defence of appellants in respect to the recovery of money and the defendants have not purchased Ex.P-1 to 4 items from the said shop of plaintiff and these items are not utilized for Panchayath works and also at the time of respondent/plaintiff and defendants are colluding with each other have created and fabricated false bills to knock the panchayath amount. \
- (e) The plaintiff has not produced the grama Panchayath resolution to passing regarding the bills but the learned trial court has not taken consideration of the same.

On these grounds, appellants/defendants prayed to allow the appeal by setting aside and modifying the Judgment and decree passed by the learned Civil Judge and JMFC, Kudligi in O.S. No. 164/2014 dt: 23.01.2023 by dismissing the suit of the plaintiff in the interest of justice.

8. Pursuant to the notice of this appeal, the respondent has supported the Judgment and decree passed by the learned Trial Court.

9. Entire records in O.S. No.164/2014 has been secured from the Trial Court and perused.

10. Heard the learned counsel for the appellants and the respondents.

11. Under the circumstances, following points arises for consideration.

POINTS

- 1) *Whether the appellants proves that the Trial Court has erred in decreeing the suit without appreciating the pleadings, evidence and documents in the proper perspective?*
- 2) *Whether this Court needs to be interfered with the judgment and decree passed by the Trial Court in decreeing the suit is necessary?*
- 3) *What order or decree?*

12. The points framed for consideration are answered as under;

POINT No.1: In the Negative

POINT No.2: In the Negative

POINT No.3: As per the final order,
for the following;

REASONS

13. **POINT No. 1 and 2:-** It is the contention of the plaintiff that plaintiff is doing hardware business under the name and style of Pattana Shettaru Traders at Kudligi town. The defendant on 19.05.2012, 26.05.2012, 02.06.2012 and 05.06.2012 had purchased certain items from the plaintiff for a sum of Rs.80,060/- Rs.54,250/-, Rs.98,150/- and Rs.25,225/- respectively, totally to the tune of Rs.2,57,685. Though plaintiff requested the defendants to pay the said amount, but defendants have refused to pay the said amount. Thus the plaintiff also got issued legal notice to the defendants calling upon them to pay the due amount, but defendants neither paid said amount nor replied to the said notice. Thus plaintiff has no other alternative remedy but to file the suit before the learned Trial Court for recovery of amount of Rs.3,88,685/- along with interest at the rate of 24% p.a.

14. In support of the case of the plaintiff, he himself examined as PW-1 and he has reiterated the entire plaint averments and produced the Invoice Bills which are marked as Ex.P-1 to 4, wherein it clearly shows that the defendants have purchased the hardware items from the shop of the plaintiff on 19.05.2012 for an amount of Rs.80,060/-, on 26.05.2012 for an amount of Rs.54,250/-, on 22.06.2012 for an amount of Rs.98,150/- and on 05.06.2012 for an amount of Rs.25,225/- totally Rs.2,57,685/-. Ex.P-8 is the legal notice issued by the plaintiff on the defendants on 18.05.2012, the said notice were duly served as per Ex.P-5 to 8. In support of the evidence of the plaintiff he has summoned one witness who was the PDO at the time of the said transactions who appeared before the Court and examined as CW-1 and produced document of panchayath resolution copy which is marked as Ex.C-1. It clearly shows that there was a resolution passed regarding alleged transactions. While cross examined the PW-1 and CW-1 there is no admissions obtained by the defendants from the evidence of the PW-1 and CW-1. On perusal of the evidence of PW-1 and Ex.P-1 to 8 and evidence of CW-1 and Ex.C-1 which clearly shows that the defendant obtained the hardware items from

the shop of the plaintiff for construction work of the panchayath for an amount of Rs.2,57,685/-.

15. It is the contention of the defendants that they have not at all purchased any item from the plaintiff for the purpose of panchayath development works. The plaintiff the then President and P.D.O of Harakabhavi Grama Panchayath have created false bills. The defendants have also converted that there is no cause of action for the plaintiff to file the suit. On these set of grounds the defendants prayed for dismissal of the suit.

16. To disprove the case of the plaintiff defendants have not adduced any evidence before the learned Trial Court. Hence, the defendants failed to prove that the alleged Ex.P-1 to 4 are created and concocted by the plaintiff and PDO of Jarmali Pancayath and the defendants further taken contention that there is no cause of action to file the suit before the learned Trial court. But Ex.P-5 to 8 clearly shows that the plaintiff has given a legal notice to the defendants to repay the bill amount purchased on credit basis. But the defendants received the same and they did not repaid the

credit amount and not given reply to the legal notice. It clearly shows that there is cause of action to file the suit.

17. On perusal of the oral and documentary evidence adduced by both the parties Ex.P-1 to 4 and evidence of the PW-1 and CW-1 and Ex.C-1 which are clearly shows that the defendants No.1 and 2 have received the hardware items to the panchayath construction works on credit basis for an amount of Rs.2,57,685/- as per Ex.P-1 to 4 in support of the oral evidence and Ex.P-1 to 4 the summoned the Panchayath PDO before the Court and he has examined as CW-1 and he has produced Ex.C-1 i.e., Panchayath resolution which clearly supported to the Ex.P-1 to 4 Credit Bills and evidence of the plaintiff. But the defendants taken contention that the plaintiff and the PDO of Jarmali Grama Panchayath created the said bills, but the defendants failed to prove the same by way of adducing evidence and rebut the evidence of the plaintiff. It is also noticed that before filing of the suit the plaintiff has given legal notice to repay the said amounts as per Ex.P-5 to 8, but they did not repaid the said credit amounts. Hence there is cause of action arose for filing the suit. Hence, the plaintiff is entitle to recover the credit bill amounts from the defendants with

interest for an amount of Rs.2,57,685/- from the date of transaction till filing of the suit at Rs.3,88,685/- with pendent-lite interest and future interest at 6% p.a on Rs.2,57,685/-. On perusal of the judgment and decree passed by the learned Trial Court it shows that the learned Trial Court appreciated the material documents available on records rightly answered the issues No.1 and 3 in the Affirmative and issue No.2 in the negative and decreed the suit of the plaintiff.

18. On overall consideration of the materials and documents available on record, this Court is of the opinion that the plaintiff has proved the alleged transactions between the plaintiff and defendants. And defendant failed to prove contention taken in their written statement and also disprove the case of the plaintiff. As observed above, learned Trial Court has recorded proper findings in respect of all the issues framed for consideration and there is no reason to interfere with the answers as recorded by the learned Trial Court. On re-appreciation of the entire evidence available on record, this Court is of the opinion that the judgment and decree passed by the Trial Court is just and proper and based on sound principles of law. In

view the same, question of interfering with the judgment and decree passed by the Trial Court does not arise. Accordingly, point No. 1 and 2 are answered in the negative.

19. **POINT No. 3:-** In view of answering the points No.1 and 2 in the Negative, I proceed to pass the following;

ORDER

Appeal filed by the defendants in O.S. No. 164/2014 on the file of the learned Civil Judge and JMFC, Kudligi U/o 41 Rule 1 & 2 R/w Section 151 of CPC is hereby dismissed.

Impugned Judgment and decree passed by the learned Civil Judge and J.M.F.C, Kudligi in O.S. No.164/2014 dated 23.01.2023 s hereby confirmed.

Draw decree accordingly.

Office is directed to immediately return the entire records in O.S. No. 164/2014 to the Trial Court along with the copy of the judgment and decree of this appeal.

(Dictated to the Stenographer, transcribed and computerized by him, corrected and then pronounced by me in the open court on this 24th day of April 2026)

(YOGESHA. J.)
Senior Civil Judge & JMFC,
Kudligi.

(Order pronounced in the open Court)
(Vide separate Judgment)

ORDER

Appeal filed by the defendants in O.S. No. 164/2014 on the file of the learned Civil Judge and JMFC, Kudligi U/o 41 Rule 1 & 2 R/w Section 151 of CPC is hereby dismissed.

Impugned Judgment and decree passed by the learned Civil Judge and J.M.F.C, Kudligi in O.S. No.164/2014 dated 23.01.2023 s hereby confirmed.

Draw decree accordingly.

Office is directed to immediately return the entire records in O.S. No. 164/2014 to the Trial Court along with the copy of the judgment and decree of this appeal.

(YOGESHA. J.)
Senior Civil Judge & JMFC,
Kudligi.