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|-----------------------------------------------------------------------------------|---------------|---|-----------------------|
| MHNG020052292022                                                                  | Presented On  | : | 22.09.2022            |
|  | Registered On | : | 22.09.2022            |
|                                                                                   | Decided On    | : | 29.09.2025            |
|                                                                                   | Duration      | : | 03 : 00 : 07<br>Y M D |

**IN THE COURT OF 15<sup>th</sup> JOINT CIVIL JUDGE SENIOR  
DIVISION AND ADDITIONAL CHIEF JUDICIAL  
MAGISTRATE, NAGPUR**

[Presided over by S.P. Ade]

**SPECIAL CIVIL SUIT NO. 1127/2022**

**EXH.20**

|                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                         |   |                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----------------------|
| <b>State Bank of India,<br/>A Corporation Constituted Under the<br/>State Bank of India Act, 1955, having its<br/>Branch at Shradanand Peth, Nagpur,<br/>acting through its one of the Principal<br/>Officer having authority to file the Complaint<br/>which includes the authority to verify and<br/>sign the Complaint.</b> |                                                                                                                                                                                                                                                                                         | : | <b>... Plaintiff</b>  |
| <b>// VERSUS //</b>                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                         |   |                       |
| 1.                                                                                                                                                                                                                                                                                                                             | <b>M/s. S. K. Hosier,</b><br><b>A Proprietary Concern,</b><br><b>Acting through its Proprietor</b><br><b>Mr. Asif Hanif Sheikh,</b><br>Aged : about 39 Yrs., Occu : Business,<br>Address : House No. 64, Dasra Road,<br>Near Admane House, Bhutiya<br>Darwaja, Mahal, Nagpur – 440 002. |   |                       |
| 2.                                                                                                                                                                                                                                                                                                                             | <b>Mr. Asif Hanif Sheikh,</b><br>Aged about : 39 Yrs. Occu : Business,<br>Address : House No. 64, Dasra Road,<br>Near Admane House, Bhutiya<br>Darwaja, Mahal, Nagpur – 440 002.                                                                                                        | : | <b>... Defendants</b> |

**CLAIM: SUIT FOR RECOVERY OF ₹12,87,248/-****APPEARANCE :**

Ld. Advocate Shri Y. Ramani Patro for the Plaintiff

Defendants : Ex-parte

**J U D G M E N T**

[ Delivered on 29<sup>th</sup> September, 2025 ]

1. Plaintiff has filed this suit for recovery of an amount of ₹ 12,87,248/- on the basis of recovery of debt which was granted to defendant as various financial facilities.

**Brief facts of the suit are as under ;**

2. Plaintiff is a Banking concern incorporated under the State Bank of India Act, 1955 and amongst others it has one of the branches named as SMECC, Shradanand Peth, Nagpur. Defendant No. 2 is the proprietor of defendant No.1 firm. Firm availed the loan facility from plaintiff. Accordingly Cash Credit facility of ₹8,00,000/- was granted on 30.03.2019. CCECL facility of ₹80,000/- was granted on 15.05.2020 and GECL facility of ₹1.597 Lacs was granted on 27.08.2020.

3. Defendant in pursuance of loan facilities executed various documents in favour of plaintiff as well agreed the rate of interest, but failed to repay the amount. The outstanding due against defendants is as under ;

- i) In the Cash Credit loan account No. 38375649048 including interest till filing of this suit is ₹ 9,65,106.75/-.
- ii) In the GECL loan account No.39680723254 including interest till filing of this suit is ₹ 1,77,854.82/-.
- iii) In the FITL loan account No.39607824681 including interest till filing of this suit is ₹ 55,846.42/-
- iv) In the CCECL loan account No.39327378246 including interest till filing of this suit is ₹ 88,439.95/-.
- v) Total amount (i) to (iv) is ₹ 12,87,248/-.

4. Despite receipt of summonses to defendants, failed to appear, therefore, my Ld. Predecessor passed order to proceed the suit ex-parte on 08.07.2024.

5. Plaintiff through its authorized officer filed evidence affidavit at Exh.8 and proved the following documents.

6. Plaintiff has filed original documents i.e. Letter of Arrangement dtd.30.03.2019 at Exh.9, Agreement of Loan-cum-Hypothecation dtd. 30.03.2019 at Exh. 10, Letter of Arrangement dtd. 15.05.2021 at Exh.11, Supplemental Agreement of Loan-Cum-Hypothecation dtd. 15.05.2020 at Exh.12, Letter of Arrangement dtd. 27.08.2020 at Exh.13, Supplemental Agreement of Loan-Cum-Hypothecation dtd.

27.08.2020 at Exh. 14 and computer generated Statement of Account from 05.04.2019 to 30.03.2021 at Exh.15, Statement of Account from 23.09.202 to 22.08.2022 at Exh.16, Statement of Account from 27.08.2020 to 22.08.2022 at Exh.17 and Statement of Account from 16.05.2020 to 22.08.2022 at Exh.18.

7. Hearing and after perusing evidence on record following points arise for my determination. I have given answer thereon for reasons to follows ;

| <u>Sr. No.</u> | <u>Points</u>                                                                       | <u>Answer</u>           |
|----------------|-------------------------------------------------------------------------------------|-------------------------|
| 1.             | Does plaintiff proves that, an amount of Rs.12,87,248/- was due against defendant ? | ...Yes                  |
| 2.             | What order ?                                                                        | ... As per final order. |

**REASONS:**

**AS TO POINT NO. 1 :**

8. The suit proceeded ex-parte, therefore in absence of defendant the evidence of plaintiff remained unchallenged. Therefore, it is required to be accepted as it is. But at the same time whether evidence of plaintiff substantiate with the documents is required to be taken into account.

9. By Letter of Arrangement Exh. 9, Agreement of loan cum hypothecation Exh. 10, Advances to SMECC statement Exh.11 and Supplemental Agreement of loan cum hypothecation Exh. 12, it is proved that defendants had applied loan facility to the plaintiff. Vide Exh. 14 hypothecation agreement it is also proved that in order to secure the loan amount defendant given hypothecation of its stock. The statement of account Exh. 15, 16, 17 and 18 in respect of the loan facilities given to the defendant, it is proved that the amount claimed in this suit is due against defendants. It also transpires that in the said statement interest were charged on time to time. It also reveals that defendants exceeds his credit limit, but failed to give due amount. Hence, plaintiff successfully proved due outstanding amount as claimed in this suit.

10. Plaintiff in the present suit claimed 7.8 % P.A. interest on the claimed amount. Plaintiff have already charged interest over the claim amount till filing of this suit. Details of which is mentioned in the plaint. As well as after ex-parte order passed on 08.07.2024 plaintiff only filed evidence affidavit on 12.08.2025. Therefore, in between this period plaintiff is not entitled for any interest for the claim amount nor entitled for any cost. Resultantly, during the pendency of the suit plaintiff is not entitled for any interest on the claim amount. In view of Section 34 of Civil Procedure Code, as the plaintiff is the bank and prayed

7.8% interest Per Annam on the principal sum adjudged till the realization of amount, the said rate of interest is required to be granted on the principal sum adjudged. Hence, for aforesaid reasons, I answer point No. 1 accordingly and in order to answer point No.2, I pass following order.

### **ORDER**

1. Suit is decreed as under ;
2. Plaintiff is entitled to recover from defendants jointly and severally an amount of ₹12,87,248/- (Rupees Twelve Lacs Eighty Seven Thousand Two Hundred Forty Eight only) with 7.8% interest from the date of the decree till the realization of the said amount.
3. No order as to cost.
4. Decree be drawn up accordingly.

(Judgment dictated, delivered and pronounced in open Court.)

Sd/-

(S.P Ade)

15<sup>th</sup> Jt.Civil Judge Senior Division  
and Additional Chief Magistrate,  
Nagpur.

Nagpur

Date :29.09.2025.

|                                |            |
|--------------------------------|------------|
| Argument Heard on              | 29.09.2025 |
| Judgment typed on              | 29.09.2025 |
| Transcription ready on         | 29.09.2025 |
| Judgment checked and singed on | 29.09.2025 |

### **C E R T I F I C A T E**

I affirm that the contents of this PDF file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer                      :- R.S. Daware (Gr. III)