



NC: 2025:KHC:40844
RFA No. 726 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

REGULAR FIRST APPEAL NO. 726 OF 2023 (MON)

BETWEEN:

1. BENGALURU ELECTRICITY SUPPLY
COMPANY LIMITED,
REGISTERED UNDER THE COMPANIES ACT,
REP. BY ITS GENERAL MANAGER (PROC)
CORPORATE OFFICE, BESCOM,
K R CIRCLE, BENGALURU-560 001.

(WRONGLY TYPED AS MANAGING DIRECTOR
KEB, CAUVERY BHAVAN, STATE BANK OF INDIA
CIRCLE, NEAR CITY CIVIL COURT, BENGALURU).
2. THE EXECUTIVE ENGINEER (ELE),
BESCOM, TIPTUR BRANCH, O AND M DIVISION,
TIPTUR-572 201.
(WRONGLY TYPED AS CHIEF EXECUTIVE ENGINEER)
3. THE ASSISTANT EXECUTIVE ENGINEER (ELE),
BESCOM, O AND M DIVISION,
TURUVEKERE-577 227.
4. BRANCH OFFICER / SECTION OFFICER,
DANDINASHIVARA BRANCH,
TURUVEKERE O AND M SUB DIVISION,
DANDINASHIVARA-572 215.

...APPELLANTS

(BY SRI H V DEVARAJU, ADVOCATE)

AND:

1. SMT. REKHAMANI D R,
W/O LATE H B SHAMBANNA,
PRESENTLY AGED ABOUT 40 YEARS,
2. DHANUSH H S,
S/O LATE SRI H B SHAMBANNA,

Digitally signed
by NANDINI R
Location:
HIGH COURT
OF
KARNATAKA



PRESENTLY AGED ABOUT 20 YEARS.

3. LIKEETHA H S,
S/O LATE SRI H B SHAMBANNA,
PRESENTLY AGED ABOUT 17 YEARS.

3RD RESPONDENT BEING MINOR,
REP. BY HIS NATURAL GUARDIAN,
AND MOTHER SMT. REKHAMANI,
W/O LATE SRI SHAMBANNA,

THE RESPONDENTS 1 TO 3 ARE R/AT
HATTIHALLI VILLAGE,
DANDINASHIVARA HOBLI,
TURUVEKERE TALUK-572 227.

...RESPONDENTS

(BY SRI. MADHUSUDHAN M N.,ADVOCATE)

THIS RFA IS FILED UNDER SECTION 96 OF CPC AGAINST THE
JUDGMENT AND DECREE DATED 23.12.2021 PASSED IN OS No.08/2019
ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, TURUVEKERE,
PARTLY DECREERING THE SUIT FOR RECOVERY OF MONEY.

THIS APPEAL, COMING ON FOR FURTHER ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL JUDGMENT

1. This appeal by the appellants/defendants in OS No.8/2019
is directed against the impugned judgment and decree dated
23.12.2021 passed by the learned Senior Civil Judge and JMFC,
Turuvekere, whereby, the said suit filed by the
respondents/plaintiffs against the appellants/defendants was



decreed by the trial Court in favour of the respondents/plaintiffs and against the appellants/defendants.

2. Heard learned counsel for the appellants and learned counsel for the respondents and perused the material on record.

3. A perusal of the material on record will indicate that the respondents/plaintiffs instituted the aforesaid suit against the appellants/defendants seeking recovery of a sum of Rs.11,54,000/- together with interest from the appellants/defendants and for other reliefs. The appellants/defendants remained exparte and did not contest the suit. Respondents/plaintiffs examined plaintiff No.1(a) as PW1 and one witness as PW2 and the documentary evidence at Exhibits P1 to P14 having been marked, the trial Court proceeded to decree the suit in favour of the respondents/plaintiffs against the defendants as hereunder:

:-O R D E R:-

"Suit of the plaintiffs is hereby PARTLY DECREED with cost.

Defendants are in due of Rs.10,88,000/- for the period from 1.3.2016 to 30.12.2018. After deducting the amount of Rs.1,42,000/- paid during the suit, defendants are in due of Rs.9,46,000/-.



Defendants are directed to pay Rs.9,46,000/- along with interest at 6% p.a., from the date of 1.1.2019 till the date of realization of amount due.

Pending Interlocutory applications are closed.

Office to decree accordingly."

4. Aggrieved by the impugned exparte judgment and decree, the appellants/defendants is before this Court by way of the present appeal, *inter alia* contending that due to the *bonafide* reasons, unavoidable circumstances and sufficient cause, it was not possible for the appellants/defendants to contest the suit by appearing before the trial Court. Along with the appeal, the appellants have also filed an application in IA No.3/2023 for permission to produce additional evidence. It is therefore, submitted that the impugned judgment and decree may be set aside and the matter be remitted back to the trial Court for reconsideration afresh in accordance with law.

5. *Per contra*, learned counsel for the respondents/plaintiffs submits that there is no merit in the appeal and the same is liable to be dismissed.



6. The only point that arises for consideration in the present appeal is as to whether the impugned judgment and decree passed by the trial Court warrants interference in the present appeal?

7. As stated supra, the appellants/defendants which are statutory authorities remained exparte and did not contest the suit and an application for permission to file additional evidence and seeking remand of the matter is filed before this Court. A perusal of the affidavit in support of the application will indicate valid and sufficient grounds/cause have been made out by the appellants/defendants in support of their defence. Under these circumstances, it is also relevant to state that various contentious issues and disputed question of law and fact arise for consideration in the suit and it should necessarily have to be disposed of by providing an opportunity to the appellants/defendants to contest the suit

8. It is also pertinent to note that the appellants/defendants have filed an application IA No.3/2023 for permission to produce additional evidence which deserves to be allowed. Under these circumstance, adopting the justice oriented approach, I deem it just



and appropriate to allow IA No.3/2023 and receive the documents on record and consequently, set aside the impugned judgment and decree and remit the matter back to the trial Court for reconsideration afresh in accordance with law.

9. In the result, I pass the following:

ORDER

(i) The appeal is hereby allowed.

(ii) The impugned judgment and decree dated 23.12.2021 passed by the trial Court in OS No. 8/2019 is hereby set aside and the matter is remitted back to the trial Court for fresh consideration, subject to the appellants/defendants paying the cost of Rs.25,000/- to the respondents/plaintiffs before the trial Court.

(iii) IA No.3/2023 filed by appellants/defendants is hereby allowed. The documents produced along with IA No.3/2023 are hereby received on record.

(iv) The Registry is directed to transmit IA No.3/2023 along with the documents accompanying the same to the trial Court.

(v) The appellants and respondents are directed to appear before the trial Court on **19.11.2025** without awaiting for the notice from the trial Court.



(vi) The Registry is directed to refund the entire court fee paid on the memorandum of appeal back to the appellants forthwith without any delay.

(vii) Liberty is reserved in favour of the appellants to file an written statement and contest the suit on merits.

(viii) The trial Court is directed to dispose of the suit afresh in accordance with law after permitting both the sides to adduce oral and documentary evidence and complete the same within a period of six months from 19.11.2025.

(ix) The amount deposited by the appellants before this Court is directed to be transmitted to the trial Court which would be subject to the final out come of the suit.

(x) All the rival contentions on all aspects of the matters are kept open and no opinion is expressed on the merits and demerits of the case.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE