

Govt. of Karnataka

Form No.9(Civil)
Title Sheet for
Judgment in Suits
(R.P.91)

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

Dated this the 6th day of September 2019

PRESENT

SRI. S.MAHESH

B.A., LL.B.,

SENIOR CIVIL JUDGE AND J.M.F.C., SIRA.

S.C.No.1/2018

PLAINTIFF : Karnataka Gramin Bank,
Jointly owned by Government of India,
Canara Bank, and Government of
Karnataka, having its Head office at
Bellary and a branch at Doddahulikunte,
Represented by branch Manager and
Power of attorney holder Smt.Yamuna R.
(By **Sri. H.W.A., Advocate**)

V/s

DEFENDANTS :

1. N. Govindaiah, S/o Narasimaiah,
Aged about 52 years,
Panchyath Development Officer,
Doddahulikunte Panchayath,
Doddahulikunte, Sira Taluk.
2. Harsha S.B.,
S/o Beeralingappa,
First Division Assistant,
Doddahulikunte Panchayath,

Doddahulikunte, Sira Taluk.
(**Exparte**)

Date of Institution of the suit	:	19.06.2018
Nature of the suit	:	Recovery of money
Date of recording of evidence	:	28.08.2019
Date of Judgment pronounced	:	06.09.2019
Duration of the suit	:	<u>Year/s Month/s Day/s</u>
		01 02 17

(S.MAHESH)
Senior Civil Judge and
J.M.F.C., Sira.

J U D G M E N T

The suit filed by the plaintiff against the defendants for the relief of recovery of amount of Rs.49,015/- with future interest at the rate of 17.5% p.a.

2. **Plaintiff case in brief:** The defendant No.1 borrowed loan of Rs.50,000/- on 26.06.2015. The defendant No.2 stood as guarantor. Both have executed loan agreement, demand promissory note and guarantee agreement. They agreed to repay the loan along with interest at the rate of 15.50% p.a. They turned chronic defaulters. As on 31.03.2018, they are due in total a sum of

Rs.47,552/-. They shall pay further interest of Rs.1,493/-. Hence, this suit.

3. After service of summons, the defendants placed exparte.

4. During trial, the Chief Manager of plaintiff Bank examined himself as P.w.1 and got marked Ex.P.1 to P.4.

5. The points that would arise for my consideration are as follows:-

1. Whether the plaintiff proves that, the defendant No.1 has borrowed a loan of Rs.50,000/-, to which defendant No.2 stood as guarantor and they agreed to pay interest at the rate of 15.50% p.a..?
2. Whether the plaintiff is entitled for the relief as sought for in the plaint?
3. What order or decree?

6. And my answers to the above points are as follows;

POINTS NO.1 & 2 : In the Affirmative;

POINT NO.3 : As per final order
for the following

REASONS

7. **POINT NO.1 & 2 :** Plaintiff pleaded and P.w.1 deposed that, the defendant No.1 borrowed loan of Rs.50,000/- on 26.06.2015. The defendant No.2 stood as guarantor. Both have executed loan agreement, demand promissory note and guarantee

agreement. They agreed to repay the loan along with interest at the rate of 15.50% p.a. They turned chronic defaulters. As on 31.03.2018, they are due in total a sum of Rs.47,552/-. They shall pay further interest of Rs.1,493/-.

8. P.w.1 has produced loan agreement dated: 26.06.2015 executed by the defendant No.1, guarantee agreement dated:26.06.2015 and demand promissory note dated: 26.06.2015 as per Ex.P.1 to 3. These documents amply indicate that, the defendant No.1 has borrowed loan of Rs.50,000/- to which defendant No.2 stood as guarantor. They agreed to repay the loan along with interest at the rate of 15.50% p.a. As per Ex.P.4 Account extract, as on 31.03.2018, they are due in total a sum of Rs.47.552/-. The further interest till the date of suit amounts to Rs.1,493/-. Thereby, loan outstanding is Rs.49,015/-. I have no reasons to disbelieve the oral and documentary evidence placed by the plaintiff. Accordingly, I answer the point no.1 and 2 in the **Affirmative**.

9. **POINT NO.3:** For the above discussion on point No.1 & 2, I proceed to pass the following

ORDER

Suit is decreed with costs.

Defendants jointly and severally liable to pay debt of Rs.49,015/- along with interest at the rate of 15.50% p.a. from the date of suit till realization.

Draw decree accordingly.

(Directly dictated to steno through online, the same is corrected and then pronounced by me in the open court on **06.09.2019**)

(S.MAHESH)

Senior Civil Judge and
J.M.F.C., Sira.

ANNEXURES

List of witnesses examined for the plaintiff/s:

P.W.1 : R.Yamuna

List of documents got marked for the plaintiff/s:

Ex.P.1 : Loan agreement
Ex.P.2 : Guarantee agreement
Ex.P.3 : Pronote dtd: 26.06.2015
Ex.P.4 : Account extract

List of witnesses examined for the defendant/s:

-Nil-

List of documents marked for the defendant/s:

-Nil-

**Senior Civil Judge and J.M.F.C.,
Sira.**