

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

REGULAR FIRST APPEAL NO. 1086 OF 2020 (MON)

BETWEEN:

STATE OF KARNATAKA
DPA (ADMN)
M.S.BUILDING,
BENGALURU-560 001
BY ITS ADDITIONAL SECRETARY

...APPELLANT

(BY SRI. PRAKASH M GANIGER, HCGP)

AND:

SRI.MUNIYAPPA
S/O BEERAPPA
AGED ABOUT 52 YEARS,
R/AT OROHALLI, HOSKOTE TALUK
BENGALURU RURAL DISTRICT-562 114.

...RESPONDENT

(NOTICE SOLE RESPONDENT SERVED)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER 41
RULE 1 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED
27.09.2019 PASSED IN OS.NO.9013/2015 ON THE FILE OF THE
LXVI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU,
DISMISSING THE SUIT FOR RECOVERY OF MONEY.

THIS APPEAL HAVING BEEN RESERVED FOR JUDGMENT
ON 10.09.2026 COMING ON FOR PRONOUNCEMENT THIS DAY,
THE COURT DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV JUDGMENT

1. This Regular First Appeal is filed by the appellant/plaintiff, being aggrieved by the judgment and decree dated 27.09.2019 passed in O.S.No.9013/2015 by the LXVI Additional City Civil and Sessions Judge, Bengaluru (for short, "the Trial Court"), whereby the Trial Court dismissed the suit filed by the appellant for recovery of a sum of Rs.4,43,076/-.

2. The factual matrix of the case is that one Sri.Shankarappa S/o Annayappa was working on daily wage basis under the plaintiff and was subsequently regularized in service. It is the case of the appellant that, one Muniyappa S/o Beerappa i.e., respondent/defendant, having impersonated said Shankarappa, joined the Government service and worked as a public servant/peon from 29.08.1998 to 20.03.2006 and also received salary and other emoluments amounting to Rs.4,43,076/-.

3. It is further the case of the appellant that, on the complaint being lodged by said Shankarappa, a departmental enquiry was conducted and the respondent was removed from service on 20.03.2006. A criminal case

was also registered against the respondent in C.C.No.6010/2004 for the offences punishable under Sections 419 and 420 of IPC and, by the judgment dated 02.04.2011, the respondent was held guilty.

4. The appellant contended that the amount received by the respondent by impersonating the actual employee constitutes loss to the State exchequer and, therefore, the respondent is liable to reimburse the same. As such, the suit was filed seeking recovery of a sum Rs.4,43,076/- with interest.

5. The Trial Court, upon consideration of oral and documentary evidence, dismissed the suit, in particular, held that the suit was barred by limitation. Aggrieved by the same, plaintiff has preferred this appeal.

6. Heard the learned Additional Government Advocate for the appellant and though notice was served to the respondent, he remained absent. Perused the materials available on record.

7. Learned Additional Government Advocate contended that the Trial Court has failed to properly

appreciate the material on record and has erroneously dismissed the suit. He primarily contended that the Trial Court committed an error in applying the three-year period of limitation applicable to suits for recovery of money. He submitted that the appellant being the State Government, Article 112 of the Limitation Act, 1963, prescribing a period of 30 years for a suit instituted by the Government, is applicable. According to learned AGA, the period of limitation ought to have been reckoned either from 20.03.2006, when the respondent was removed from service, or from 02.04.2011, when the criminal Court found the respondent guilty. Hence, it is contended that the suit was within the period of limitation and the impugned judgment and decree are liable to be set aside.

8. Learned Additional Government Advocate also submitted that if this Court is not inclined to accept the evidence on record as sufficient to determine the exact amount for recovery, the matter may be remitted back to the Trial Court by affording an opportunity to the appellant to produce the relevant records and establish the amount recoverable from the respondent-defendant.

9. I have given my anxious consideration to the submissions made by the learned Additional Government Advocate and perused the impugned judgment and decree and the material on record.

10. In view of the submissions made by the learned Additional Government Advocate, the following points arise for consideration:

1. Whether the Trial Court was justified in holding that the suit was barred by limitation?

2. Whether the impugned judgment and decree call for interference by this Court?

11. As could be gathered from records, the suit was instituted by the State Government seeking recovery of a sum of Rs.4,43,076/- from the defendant on the allegation that he had impersonated one Shankarappa and, on such impersonation, had entered Government service and received salary and other benefits during the period from 29.08.1998 to 20.03.2006. The defendant, though served with suit summons, remained *ex parte* before the Trial Court. The appellant-State examined its official as PW.1

and relied on official documents which are marked as Exs.P1 to P3. Ex.P2 is the order of removal of the defendant from service, whereas Ex.P3 is the certified copy of the judgment passed in the criminal proceedings, wherein the defendant was found guilty for the offences punishable under Sections 419 and 420 of the IPC.

12. The Trial Court, on appreciation of the aforesaid material, has recorded a finding that the act of impersonation by the defendant was proved. The said finding is supported by the order of removal as well as the judgment rendered in the criminal proceedings. Since the defendant has remained *ex parte* throughout the suit proceedings and there is no material placed before this Court to take a different view, the said finding does not call for interference.

13. The principal question, therefore, is with regard to limitation. The Trial Court proceeded on the premise that the claim for recovery of the amount was governed by a three-year period of limitation and held that the suit instituted on 29.10.2015 was barred by limitation, reckoning the cause of action from 20.03.2006 and,

alternatively, from 02.04.2011, the date of the criminal judgment.

14. The approach adopted by the Trial Court, in my considered view, cannot be sustained. The suit is admittedly instituted by the State Government for recovery of the amount allegedly received by the defendant by impersonating a Government employee. Therefore, the specific provision governing suits by the State Government, namely Article 112 of the Limitation Act, 1963, requires consideration. Under the said Article, a suit by or on behalf of the State Government is governed by a period of thirty years from the date when the period of limitation begins to run.

15. In the present case, even if the cause of action is reckoned from 20.03.2006, the date on which the defendant was removed from service, the suit instituted on 29.10.2015 was well within the period of thirty years prescribed under Article 112 of the Limitation Act. Even otherwise, the criminal proceedings culminated in conviction on 02.04.2011, and reckoning the period from the said date also would not render the suit barred by

limitation. Hence, the finding of the Trial Court that the suit is barred by limitation is erroneous and is liable to be set aside.

16. However, the Trial Court, has specifically recorded that the appellant failed to establish the precise amount of Rs.4,43,076/- allegedly drawn by the defendant towards salary and other benefits. The evidence of PW.1 has not been supported by any documentary material demonstrating the actual amount paid to the defendant.

17. Consequently, the judgment and decree passed by the Trial Court insofar as it holds that the suit is barred by limitation is set aside. The matter requires reconsideration by the Trial Court on the question of quantum and consequential relief, after affording the appellant an opportunity to produce such further documentary evidence as may be permissible in law. The Trial Court shall reconsider the remaining issues relating to the quantum of the amount payable, liability and consequential relief, in accordance with law. If the appellant fails to produce adequate documentary evidence to substantiate the amount claimed, the Trial Court shall

determine the amount recoverable on the basis of the evidence already available on record, and the decree to be drawn pursuant thereto shall be final and binding on the parties.

18. Answering the points raised accordingly, I pass the following;

ORDER

- i. The Regular First Appeal is ***allowed in part.***
- ii. The matter is remanded to consider the aforesaid issue.
- iii. The judgment and decree dated 27.09.2019 passed in O.S.No.9013/2015 by the LXVI Additional City Civil and Sessions Judge, Bengaluru, is hereby set aside.
- iv. Appellant is directed to appear before the Trial Court on **28.10.2026**, without awaiting any notice.

- v. The Trial Court shall permit the appellant to produce evidence if any in support of its claim in respect of the quantum.
- vi. Since the suit is of the year 2015, the Trial Court is directed to dispose of the same, as expeditiously as possible. Similarly, both the parties are directed to co-operate with the Trial Court without seeking any unnecessary adjournment.

**SD/-
(RAJESH RAI K)
JUDGE**

PKS/V