NC: 2025:KHC:52251
CRP No. 480 of 2024

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CIVIL REVISION PETITION NO. 480 OF 2024 (IO)

BETWEEN:

1. SRI. HARISH S H
   SON OF HANUMANTHARAYAPPA
   AGED ABOUT 40 YEARS,
   RESIDING AT NO.2798
   D BLOCK, 12TH MAIN
   RAJAJINAGAR 2ND STAGE
   BANGALORE - 560 010

…PETITIONER

(BY SRI. PUNEET C., ADVOCATE FOR
SRI. CHANDRASHEKAR C., ADVOCATE)

AND:

Digitally signed by SHARADAVANI B
Location: High Court of Karnataka

1. SRI. R ASHOK KUMAR
   SON OF REVANNA
   AGED ABOUT 35 YEARS,
   RESIDING AT VARADANAHALLI VILLAGE
   GULURU HOBLI
   TUMAKURU TALUK AND DISTRICT
   PIN CODE - 572 122

…RESPONDENT

(BY SRI. VINITHA P.C., ADVOCATE)

THIS CRP IS FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 22.03.2024 PASSED ON IA IN OS NO.506/2018 ON THE FILE OF I ADDITIONAL CIVIL JUDGE AND

JMFC, TUMAKURU, REJECTING THE IA FILED UNDER ORDER 7 RULE 11(c) AND (d) OF CPC., FOR REJECTION OF PLAINT.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri. Puneet C., for Sri. Chandrashekar C., learned counsel for the petitioner and Smt. Vinitha P.C., learned counsel for the respondents.

2. Defendant in O.S. No.506/2018 on the file of Civil Judge (Junior Division), Tumkur is the revision petitioner challenging the dismissal of the application filed under Order VII Rule 11 of the Code of Civil Procedure.

3. Facts in the nutshell which are utmost necessary for the disposal of the present petition are as under :

3.1 A suit for recovery of the sum of Rs.4,50,000/- with 12% interest was filed by the plaintiff against the defendant.

3.2 It is contented that plaintiff had lent Rs.4,50,000/- as hand loan to the defendant to bail out the defendant from the financial crisis faced by him in the first week of June 2016 at Varadanahalli Village in the residence of the plaintiff.

3.3 Towards the repayment of the said amount, defendant said to have issued a Cheque bearing No.932329 drawn on Canara Bank, Gauribidanur branch, dated 25.07.2016, which on presentation came to be dishonored with an endorsement 'funds insufficient'. Therefore, plaintiff issued a legal notice on 23.05.2018, but there was no compliance to the callings of notice and therefore filed suit for recovery of loan amount with interest at 12%.

3.4 Pursuant to the service of suit summons defendant entered appearance and filed written statement and also an application under Rule VII Rule 11 of the Code of Civil Procedure that the plaintiff’s plaint paragraph No.2,

does not make out a basic facts for the cause of action to file the suits for want of necessary particulars.

3.5 Application was opposed by the defendant and by the plaintiff by filing necessary objections.

3.6 Learned Trial Judge after hearing the parties dismissed the application by way of impugned order.

4. Being aggrieved by the same, defendant is before this Court.

5. Sri. Puneeth C., learned counsel for the petitioner reiterating the grounds urged in the revision petition vehemently contented that the learned Trial Judge has not properly appreciated the scope of Order VII Rule 11 of the Code of Civil Procedure and mechanically rejected the application resulting in miscarriage of justice and sought for allowing the revision petition.

6. Smt. Vineetha P.C., learned counsel for the respondent/plaintiff supports the impugned Order.

7. Having heard the arguments of both sides, this Court perused the material on record meticulously.

8. On such perusal of the material on record, it is noticed that the suit is based on the dishonored Cheque. Plaintiff enjoys the presumption under Section 118 of the Negotiable Instruments Act. Therefore, it is for the defendant to rebut the presumption by placing cogent material evidence on record.

9. Under such circumstances, hardly there is any scope for rejection of the plaint acting under Order VII Rule 11 of the Code of Civil Procedure. Primafacie, Issuance of Cheque is dishonoured and issuance of legal notice is borne out by records which would make out a cause to file suit and continuation thereof.

10. Under such circumstances, rejection of the application is just and proper which requires no interference in this revision petition.

11. Hence, following order:

ORDER

Civil revision petition is meritless and hereby ***dismissed***.

Sd/-
(V SRISHANANDA)
JUDGE

SNC
List No.: 1 Sl No.: 13
CT-SG