



MAJESTYLEGAL

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LEGALLY ENFORCEABLE DEBT

(PRASAD RAYKAR VERSUS B.T. DINESH¹, 2023)

In the present Criminal Appeal, the Hon'ble Karnataka High Court said that the deceased father's dues qualified as a "Legally Enforceable Debt" and is a maintainable complaint under section 138² of the Negotiable Instrument Act, 1881 against the son.

RULINGS OF HON'BLE COURT:

- Under the Negotiable Instruments Act, a son who is the legal representative is responsible for repaying his father's debts.
- No son can argue that there is no legally enforceable debt against him because the loan was borrowed by his father, who died before the complaint was filed under Section 138 of the Negotiable Instruments Act.
- Once the amount was already repaid, the question of taking contention that it is barred debt does not arise and it gets renewed.
- Section 29³ of the Negotiable Instrument Act, was taken into consideration.

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¹ Criminal Appeal No. 725 of 2011

² Dishonour of cheque for insufficiency, etc., of funds in the account

³ Liability of Legal Representative Signing

⁴ Majesty legal is law firm, established in 2013 by Ms. Mahi Yadav. Purpose of this analysis of the judgment is to provide insights on law and statutes, which are personal in nature and not to be deemed as legal advice.