

DECREE IN ORIGINAL SUIT

(Order 20 Rules 6, 7)

IN THE COURT OF 5th ADDL. SENIOR CIVIL JUDGE AT ANAND

SPECIAL CIVIL SUIT NO. 111 OF 2007

EX. 47

1. Indian Bank,

A Bank constituted and functioning under the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970 having its Head Office at 31, Ralaji Salai, Chennai – 600 001. TamilNadu State and concerned branch at 5/8/14, Station Road, Anand-388001

versus

DEFENDANT(S):

1. Varshaben S. Bharmbhatt

Aged: Adult, Occupation: Job

Residing at Pira Mittar Road,

Near Rajmahel Road, Vadodara-390020.

2. Jayesh Indravadan Shah,

Aged : 37 years, Occupation : Business

Residing at "Riddhi", 6-Patel Colony, Near

Pioneer High School, Anand -388001

At Present Jailor Shree, Baroda Central

Jail, Jail Road, Baroda.

SUIT VALUED AT RS. 7,18,485/-

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Date of filing :- 11 June 2007

Date of Decided :- 01 January 2020

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Ld. Advocate Mr. S.G.JOSHI for plaintiff.

Ld. Advocate Ex- Party for Defendant.

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Brief fact of the plaintiff's suit are as under

1. The plaintiff had filed the present suit for recovery of RS.7,18,485/- (RS. Seven Eighteen Lack Thousand fore Hundred and Fifty Five Only) with 9.5%

alongwith penalty cause of @ 2% interest per annum against the defendants.

2. The brief facts leading to the plaintiff(s) suit are as under: The gist of facts are that the defendant number 1 took home loan from the plaintiff bank against residential accomodation bearing revenue survey number 188/1+2B+3+4, S.P. No. 61-62 situated at Jitodia, Tal. & Dist. Anand for Rs.5,83,000/- (Rs. Five Lack Eighty Three Thousand Only) with yearly ineterst @ 9.5% with the penalty cause of @ 2%. The said amount was transacted to the defendant number 1 account Account no. 565/90. Defendant number 2 became the surety of defendant number 1. Defendant number 1 did not paid back the amount. RS.7,18,485/- (RS. Seven Eighteen Lack Thousand fore Hundred and Fifty Five Only) became due with interest and thus the present suit is filed against the defendants for recovery of suit claim with 11.5% interest per annum.

PLAINTIFFS PREYS:- (A) That the Hon'ble Court may Pleased to Award the Decree against the Defendants Personally and against their properties for the Amount of. Principal Amount Rs.5,67,642/- And Interest Rs.1,18,173/- Total Rs. 6,85,815 /- With interest of 9.5% +Penalty clause of 2%, with Quarterly rest form the date of the 20th , Day of March,

2007 till the Date of realization along with the cost the Suit. (B) That this Hon'ble court may be to award such other relief which may seem fit and proper. (C) That this Hon'ble court may be to award the cost of the suit against the Defendants.

Claim for recovery This suit coming on this day for final disposal before Hon'ble Principal Senior Civil Judge Mr. V.B.Barot in the presence of Ld. Advocate Mr. S.G.JOSHI for the Plaintiff and no one present for the Defendant as per Judgement at Ex. 46 it is ordered and decreed that :-

- :: O R D E R :: -

- The plaintiff's suit against the defendant is hereby allowed partially.
- The plaintiff is entitled to recover the amount of RS.7,18,485/- (RS. Seven Eighteen Lack Thousand fore Hundred and Fifty Five Only) from the defendants jointly and severally along with the interest at the rate of 7%. p.a., thereon from the date of filing of the suit till its realisation.
- The defendants shall pay the cost of the suit of plaintiff and shall bear their own.
- Decree be drawn accordingly.

Cost of Suit

The sum of Rs. _____ be paid by the _____ to the _____
 _____ on account of the costs of this suit, with interest thereon at the rate of
 percent, per annum from this date to date of realization.

Cost of Suit

Plaintiff			Defendant		
	Rs.	Ps		Rs.	Ps.
1. Stamp for Plain	17,750	00	Stamp for power	02	00
2. Do. for power	02	00	Do. for petition	0	00
3. Do. for exhibit	00	00	Pleader's fee on Rs.	1,250	00
4. Pleader's fee on Rs.	1,250	00	Subsistence for witnesses	0	00
5. Subsistence for witnesses	00	00	Service of process.	0	00
6. Commissioner's fee	00	00	Commissioner's fee	0	00
7. Service of process.		00			
Total	19,002	00	Total	1,252	00

Given under my hand and the seal of the Court this 01 day of January 2020.

Prepaid By

Checked By

Assistant

Superintendent

5th Addi. Senior Civil Judge
 Anand