

GJLV060019252025



Regularly Summary Civil Suit No. 20 of 2025

ORDER BELOW EXH. 08 AND 09

1. Heard learned Advocate Mr. S.A. Teredeshi for the plaintiff. The record of the case, as well as the present application, has been perused.
2. The plaintiff has filed the present suit against the defendants. Summons of the suit were duly served upon the defendants on 31.12.2025. Out of the eight defendants, only Defendant No. 1 appeared before the Court on 09.01.2026 through his advocate and filed an address purshis. Therefore, the plaintiff filed an application seeking an ex parte decree against Defendant Nos. 2 to 8.

Order XXXVII Rule 2(3) of the Code of Civil Procedure provides that if a defendant fails to enter appearance within ten days from the date of service of summons, the allegations in the plaint shall be deemed to have been admitted, and the plaintiff shall be entitled to a decree for a sum not exceeding the amount mentioned in the summons, together with interest, if any, up to the date of the decree and such costs as may be determined by the High Court.

Accordingly, the plaintiff is entitled to an ex parte decree against Defendant Nos. 2 to 8. Thereafter, the plaintiff took out the Summons for Judgment (Exh. 09), which was

served upon all the defendants on 24.06.2026. As per Order XXXVII Rule 3(5) of the Code of Civil Procedure, a defendant may, within ten days from the service of the Summons for Judgment, apply for leave to defend by disclosing, through an affidavit or otherwise, such facts as may be deemed sufficient to entitle him to defend the suit. Leave to defend may be granted unconditionally or subject to such terms as the Court deems fit. However, none of the defendants has appeared or filed an application for leave to defend within the prescribed period of ten days or even thereafter.

3. According to the plaintiff's case as stated in the Summons for Judgment, Defendant Nos. 1 to 7 are the borrowers who applied to the plaintiff Bank for a K.C.C. Loan of Rs. 3,72,000/- (Rupees Three Lakhs Seventy-Two Thousand Only), and Defendant No. 8 is the guarantor for the said loan. Thereafter, Defendant Nos. 1 to 7 committed default in repayment of the loan. As per the last approved rate of interest applicable on the date of filing of the suit, the outstanding amount is Rs. 4,00,987.38 (Rupees Four Lakhs Nine Hundred Eighty-Seven and Thirty-Eight Paise Only). Consequently, the plaintiff was constrained to institute the present suit against the defendants.

Since the defendants failed to enter appearance within the prescribed period as contemplated under Order XXXVII Rule 2(3) of the Code of Civil Procedure, the plaintiff is entitled to a decree in accordance with law.

4. Having considered the relevant legal provisions and the settled principles laid down by the Hon'ble Apex Court, and upon perusal of the documents produced at Mark 3/1 to Mark 3/20, it appears from the record and the submissions made on behalf of the plaintiff that Defendant Nos. 1 to 7 had obtained a K.C.C. Loan of Rs. 3,72,000/- from the plaintiff Bank and defendant no.8 is guarantor. They committed default in repayment of the loan, and after adding the applicable interest, an amount of Rs. 4,00,987.38 (Rupees Four Lakhs Nine Hundred Eighty-Seven and Thirty-Eight Paise Only) has become due and payable. Therefore, I proceed to pass the following final order.

ORDER

1. Decree of Rs. 4,00,987-38/-(Four lacs Nine hundred eighty seven and thirty eight paise only) is passed against the defendant no.1 to 8 with cost of the suit and interest thereon at the rate of 6 % per annum from the date of the suit till realization.
2. Decree to be drawn accordingly.
3. The defendants are directed to bear the costs of the plaintiff's suit.

Signed and pronounced in the open court today on this
10th day of August, 2026.

Date : 10-08-2026

Balasinor

(BAKULKUMAR NATVARLAL DAVE)
ADDITIONAL SENIOR CIVIL JUDGE,
CODE GJ01272