

ORDER BELOW EXH.3 IN SUMMARY SUIT NO.647/2023.

CORAM : J. J. PANDYA : CHIEF JUDGE:

Mr. S. K. Barad, learned advocate for the plaintiff.

1 Heard the learned advocate for the plaintiff.

2 The plaintiff has filed this suit against the defendants and summons has been duly served to defendants by Registered Post A.D. as per Exh.13. Thereafter, the defendants have not appeared before the court and have not filed their appearance. Therefore, the plaintiff has given the application to pass exparte decree against the defendants vide exhibit – 16 with affidavit. When the defendants have not filed their appearance after due service of summons. Then, under Order 37 Rule 2(3) of the Civil Procedure Code, plaintiff is entitled to get the exparte decree against the defendants. Perused the averments made in the plaint is supported by the documentary evidence vide mark 6/1 to 6/18 and 15/1 to 15/10. It reflects that Rs.1,59,973/- due from 18.09.2023 as per mark 6/16. But plaintiff is not able to show the contractual rate of interest then plaintiff is entitle to get interest at the rate of 6% per annum under Section 34 of the Code of Civil Procedure. Therefore, I pass the following final order.

ORDER

1 Decree of Rs.1,59,973/- (Rupees One Lakh Fifty Nine Thousand Nine Hundred Seventy Three Only) is passed against the defendants with cost of the suit and interest thereon at the rate of 6% per annum from date of filing the suit i.e. 18.09.2023 till realisation.

2 Decree to be drawn accordingly.

Date : 22.03.2024.
Ahmedabad.

(J. J. PANDYA)
CHIEF JUDGE,
CODE GJ00756
SMALL CAUSES COURT
AHMEDABAD.