

Registered on : 20/01/2026

Received on : 20/01/2026

Decided on : 23/04/2026

Duration : Y. M. Ds.

00. 03. 03

Exh. No. : 19

**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE,
GONDAL, AT RAJKOT**

Regular Civil Suit No.25 of 2026

PLAINTIFF:

1. PASCHIM GUJARAT VIJ COMPANY LIMITED

through Deputy Engineer

Town Sub Division, Gondal.

V E R S U S

DEFENDANT:

1. BHARTIBEN BHUPATBHAI LAMBARIYA

Address- Vora Kotda Road, Vijaynagar and Dhunavali, Near
Khodiyar Mandir, Panchpir Dhar, Gondal.

Sub : Recovery suit for Rs. 59,776.00/-

Appearances:

Ld. Advocate Shri M. C. Dave for Plaintiff.

Exparte for Defendant.

J U D G M E N T

[1] The plaintiff has filed the present suit for recovery of amount of Rs.59,776.00/- with 18% of interest.

[2] As the plaintiff is the registered Paschim Gujarat Vij Company Limited which was established in the year 2003 and dealing with the light connection in various parts of Rajkot District the Paschim Gujarat Vij Company Ltd. (herein after be referred as the P.G.V.C.L. for sake of convenience) is established under the Indian Electricity Act Amendment-2003 having its Head Office at Rajkot is supplying electricity, as such at it's Gondal Town Sub division office. As the defendant had not obtained electric connection from the plaintiff for residential purpose and he was not the legal consumer of the plaintiff P.G.V.C.L. On 31/01/2023, plaintiff P.G.V.C.L. has conducted single phase checking through Deputy Engineer at the place of defendant and it was revealed that the defendant was using electricity despite of no legal electricity meter. The connection was taken by Twin core Private Wire of 25 meters directly from L.T.Line Poll of plaintiff situated on opposite side of the place of defendant. Therefore, approximate electricity usage has been calculated and it comes to around 1900 watts of electricity which was illegally used by the defendant and has been caught red-handed by the plaintiff. Then on 01/02/2023, the plaintiff has given the electricity usage bill to the defendant. Then after on 01/02/2023, the plaintiff has filed FIR against the defendant. Then on 21/01/2025, the plaintiff has issued a legal notice to the defendant for recovery of amount of Rs.59,776.00/- including delay payment charges but, no reply has been filed by the defendant as well as the defendant had not paid any amount. Hence, the present suit has been filed.

[3] After filing of this suit, this Court has issued a notice to the defendant which has been executed but no one had appeared before this Court, hence, this Court has ordered ex parte against the defendant on 20/02/2026.

[4]A. Plaintiff has submitted following oral evidence as below:-

Sr. No.	Exh.	Descriptions
1.	7	Examination-in-chief of the plaintiff namely, Shirinkumar Parsotambhai Kansagara

B. Plaintiff has submitted following documentary evidences as below:-

Sr. No.	Exh.	Descriptions
1.	9	Single Phase Checking Report prepared at the place of defendant
2.	10	Details of Annexure-4 prepared at the place of defendant
3.	11	Spot Inspection Rojkaam prepared at the place of defendant
4.	12	Electricity usage bill given to defendant as per Section- 135
5.	13	Calculation Sheet of electricity usage bill given to defendant
6.	14	F.I.R. filed against the defendant
7.	15	Registered A.D. Legal notice given to the defendant

8.	16	Window Slip of notice received by defendant
9.	17	Consumer Ledger Account showing calculation of electricity usage of defendant

[5] Then after, this Court has framed issues vide Exh.06 on 20/02/2026 which are as under:-

- (1) Whether the plaintiff proves that, he is entitled to recover amount of Rs.59,776/- from the defendant?
- (2) Whether the plaintiff is entitled to get interest? If yes, at what rate ?
- (3) What order & decree?

[6] Findings on the above issues are as under:-

- (1) In the Affirmative;
- (2) In the Partly Affirmative;
- (3) As per Final Order.

-: REASONS :-

[7] **Issue No.1:-**

To avoid the repetition of facts, This Court hereby find it necessary to discuss issue No.1.

Heard, the learned advocate for plaintiff. The Plaintiff P.G.V.C.L. has filed Chief examination as per the provisions of Civil Procedure code in written in the form of affidavit at Exh.7. In support of the affidavit, P.G.V.C.L. has produced documentary evidences vide Exh.9 to 17. From above affidavit of chief examination and documents, it is established that the amount of Rs.59,776/- is to be recovered from the defendant and the

defendant is failed to pay the said bill amount to the plaintiff P.G.V.C.L. The defendant has not appeared before the Court during entire proceedings though this Court has ordered exparte against the defendant on 20/02/2026, therefore, there is no reason to dis-believe the oral evidence of plaintiff P.G.V.C.L. Therefore, this Court answer issue No.1 in the affirmative.

[8] Issue No.2 :-

The plaintiff P.G.V.C.L. has claimed the interest at the rate of 18% p.m. but looking to the oral as well as documentary evidence produced by the P.G.V.C.L., there is no evidence on record to show that there is clear stipulated terms of contract for the interest between plaintiff and defendant. The plaintiff P.G.V.C.L. is claiming interest at the rate of 18% p.a. which is in this Court opinion is excessive and penal. As per the provision of **Sec.34 of the Civil Procedure code** the discretion always lies with the Court, for awarding the interest. Looking to the present situation and circumstances, 9.00 % p.a. of interest would be awarded, then it is just and proper in the interest of justice and it will met the ends of justice. Therefore, this Court answer issue No.2 in partly affirmative by holding that the plaintiff P.G.V.C.L. is entitled to recover the amount of the decree along with the interest at the rate of 9.00% p.a. from the date of the suit till its realisation.

[9] Issue No.3:-

Considering the facts and circumstances of this case, it transpires that the defendant is failed to pay bill amount to the

plaintiff and even the defendant has not appeared before the Court during entire proceedings, therefore, this Court is of the view that the plaintiff has proved his case by producing oral as well as documentary evidences in support of the present application and the plaintiff is entitled to recover amount of Rs.59,776/- with interest. Hence, for issue no.3, this Court passes the following order:

-:: **O R D E R** ::-

- (1) The plaintiff's (P.G.V.C.L.'s) suit against the defendant is hereby Partly allowed.
- (2) The plaintiff (P.G.V.C.L.) do recover the amount of Rs.59,776/- (Fifty Nine Thousand Seven Hundred Seventy Six Rupees) from the defendant along with the interest at the rate of 9.00%. p.a., thereon from the date of filing of the suit till its realisation.
- (3) The defendant shall pay the costs of the plaintiff and bear his own.
- (4) Decree be drawn accordingly.

Pronounced in the open Court today on **23rd day** of the **Month of April**, in the year **2026** at Gondal.

Gondal.

23/04/2026

[MS. JIGNASHA MANEKLAL GAJJAR]

Principal Senior Civil Judge

Gondal, Rajkot

(GJ00921)