

ORDER BELOW EXH. 1

IN SUMMARY SUIT NO. 256/2023

Mr.J.K.Punawala, learned advocate for the plaintiff.

None appeared on behalf of the defendant.

1 Heard the learned advocate for the plaintiff.

2 The plaintiff has filed this suit against the defendant and defendant has been duly served with the summons of the suit. Thereafter, the defendant has neither appeared personally nor through his ld. advocate before the court and has not filed his appearance within ten days after service of the summons. Therefore, the plaintiff has given the application Exh.09 to pass exparte decree against the defendant with affidavit. Therefore, when the defendant has not filed his appearance after duly serving the summons, Therefore, under Order 37 Rule 2(3) of the Civil Procedure Code, the plaintiff is

entitled to get the exparte decree against the defendant. Therefore, Considering the documentary evidence led by the plaintiff, I pass the following final order in the interest of justice :-

- : O R D E R :-

- 1 The suit of the plaintiff is hereby partly allowed.
- 2 The defendants are ordered to pay to the plaintiff an amount of Rs.56,700/- with 9% p.a. interest thereon from the date of the suit till realization.
- 3 The defendant shall pay the cost of the suit to the plaintiff and bear his own.
- 4 Decree be drawn accordingly.

Pronounced in the open Court on this
19th day of November, 2024.

(Bhaskar Chandubhai Bhalia)
Judge, (Code No.GJ01469)
Addi.Small Cause Court
Surat