

Received on	14	7	2025
Registered on	14	7	2025
Decided on	15	9	2025
Duration	Y.	M.	D.
	0	2	1

EXH. 18

In The Court Of 2nd Addl. Civil Judge,At Anand.

S.M.S.T No. 26/2025

CANARA BANK.

A Nationalised bank constituted to under
The provisions of Banking Companies
(Acquisition and transfer of undertakings)
act 1970 having its Head office at Bangalore
And one of its branches is amongst others
At V. V. Nagar Branch, Anand,
Through its Authorised Signatory
Mr. Hardik Soni, Age : 30 years

.....Plaintiff

V/s.

1. Mr. Harishkumar Foolaram Prajapati
 2. Mrs. Ramku Devi Harishkumar Prajapati
- Both are residing at
- (1) A 33, Shivam Residency,
Behind Baliyadev Temple,
Karamsad, Tal. Karamsad
Dist. Anand - 388325
 - (2) 206, Dulari Apartment,
Near Ramdevpir Temple,
Karamsad, Tal. Karamsad
Dist. Anand - 388325

.....defendants.

**Shri S.A.Teredesai, Learned Advocate for the plaintiff.
Defendant - Served.**

Suit For recovery of Rs.1,70,698.47/-

// J U D G M E N T //

- 1) The facts of the plaintiff's suit in nut shell are to be stated as under :

That the plaintiff has filed the present suit under the provisions of Order-37 of C.P.C. to recover **Rs. 1,70,698.47/-** from the defendants. The facts of the suit is mentioned in the plaint hence to avoid unnecessary repetition and to save precious time of the court, the facts of the present suit is not mentioned or reproduced here.

- 2) It appears from the record that summons as provided under Order-37, rule-2, sub-rule 2 & 3 of the C.P.C. has been issued and as per said provisions, the defendants are required to appear within 10 days from the service of summons. In the present case, the summons has been served upon defendant, but the defenant has remained absent. Thus due to the absence of the defendant the plaintiff has become entitled for Judgment forthwith. Therefore, the plaintiff has produced his affidavit vide **Exh.08**. Moreover, the plaintiff has produced the original documentary evidence list at **Exh. 3**. Thus, considering the averments in the plaint and after service of summons to the defendant's, it appears that the defendants have not entered their defence to defend the present suit. Thus, it is presumed that defendants are admitting the claim as mentioned in the suit. Therefore, considering the documents produced which is exhibited from **Exh.09 to 17**

and defendant's non-entrance of defence to defend the suit, thus, nothing remains to proceed further but decree is required to be drawn. Further, in the present suit plaintiff has demanded interest and hence, considering the present rate of interest and also considering the sec. 34 of the Code of Civil Procedure, in my humble view 7% interest is just and proper. Therefore, I pass the following final order in the interest of justice.

// O R D E R //

- 1) The present suit is hereby decreed under Sub-rule (3) of Rule-2 of Order-XXXVII of C.P.C. Accordingly application under ex.08 is also disposed off.
- 2) The defendant is hereby ordered to pay **Rs. 1,70,698.47/-** (Rupees One Lac Seventy Thousand Six Hundred Ninety Eight and Forty Seven Paise only) to the plaintiff with interest at the rate of 7% per annum from the date of institution of suit till payment of decretal amount.
- 3) The parties to bear their own cost.
- 4) Decree to be drawn accordingly.

Signed and Pronounced in the open court today on this 15th
day of September, 2025.

Date :15-09-2025.
Place :Anand.

(A. M. Oza)
Judge Code : GJ01648
2nd Additional Civil Judge,
Anand.