

ORDER BELOW EXH.1 IN SUMMARY SUIT NO.510/2020.

CORAM : J. J. PANDYA : CHIEF JUDGE:

Mr. Y. C. Sheth, learned advocate for the plaintiff.

1 Heard the learned advocate for the plaintiff.

2 The plaintiff has filed this suit against the defendant and summons has been duly served to defendant by Public Summons as per Exh.13. Thereafter, the defendant has not appeared before the court and has not filed his appearance. Therefore, the plaintiff has given the application to pass exparte decree against the defendant vide exhibit – 14 with affidavit. When the defendant has not filed his 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 defendant. Perused the averments made in the plaint which are supported by the documentary evidence vide mark 4/1 to 4/5. It reflects that Rs.94,094/- due from 09.04.2020 as per mark 4/4. Contractual rate of interest fixed between the parties as per loan agreement is at the rate of 11.20% per annum. Hence, plaintiff is entitled to get contractual rate of interest as per Section 34 of the Code of Civil Procedure. Therefore, I pass the following final order. Therefore, I pass the following final order.

ORDER

- 1 Decree of Rs.94,094/- (Rupees Ninety Four Thousand Ninety Four Only) is passed against the defendant with cost of the suit and interest thereon at the rate of 11.20% per annum from 09.04.2020 till realisation.
- 2 Decree to be drawn accordingly.

Date : 02.09.2023.
Ahmedabad.

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