

ORDER BELOW EXH.3 IN SUMMARY SUIT No.561/2024

Mr.N.J.Gohil, learned advocate for the plaintiff.

CORAM : A.S.PANDE, CHIEF JUDGE

- 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 Court as per Exh.8,9 and 10. Thereafter, defendants have not appeared before the court and has not filed his appearance. Therefore, plaintiff has given an application to pass ex parte decree against the defendants vide exhibit – 12 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 ex parte decree against the defendant.
- 3 As per the list of documents vide exhibit – 6, at mark 6/1 to 6/12, plaintiff has produced documents which are not challenged by the defendant and hence, taken on record as per exhibits – 14 to 25.
- 4 As per the documents produced by the plaintiff, at exhibit – 25 which is a Ledger Account of the defendant, it is found that Rs.1,79,871/- is outstanding amount from the defendant. So, plaintiff is entitled to recover Rs.1,79,871/- with interest at the rate of 6% per annum under Section 34 of the Code of Civil Procedure. Therefore, I pass the following final order.

O R D E R

- 1 Plaintiff's suit is allowed.
- 2 Defendants are hereby directed to pay Rs.1,79,871/- (Rupees One Lakh Seventy Nine Thousand Eight Hundred Seventy One Only) with interest at the rate of 6% per annum to the plaintiff from the date of the filing of the suit till actual realization of the amount.
- 3 Issue necessary court fee refund certificate as per Gujarat Court in the name of plaintiff.
- 4 Cost of the plaintiff's suit, shall bear by defendants (except the amount of court fee).
- 5 Decree to be drawn accordingly.

Pronounced and signed in the open court on this day of 13th March, 2025.

Date : 13.03.2025.

Place : Ahmedabad

(ARVINDKUMAR SHIVPRASAD PANDE)

**CHIEF JUDGE,
SMALL CAUSES COURT
AHMEDABAD.
CODE GJ00854**