

ORDER BELOW EXH.1 IN SUMMARY SUIT NO.614/2023.

Mr. Y. C. Sheth, 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 defendant and summons has been duly served to defendant by Registered Post A.D. as per Exh.10. 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 – 13 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.

3 As per the list of documents vide exhibit – 4, at mark 4/1 to 4/7, plaintiff has produced documents which are not challenged by the defendant and hence, taken on record as per exhibits – 17 to 23.

4 As per the documents vide exhibits – 22 which is loans discharge quote of the defendant, it is found that Rs.1,77,020/- is outstanding amount from the defendant. This being a transaction, plaintiff is entitled to recover Rs.1,77,020/- interest at the rate of 14.55% per annum under Section 34 of the Code of Civil Procedure. Therefore, I pass the following final order.

: 2 :

ORDER

- 1 Plaintiff's suit is partly allowed.
- 2 It is hereby directed to defendant to pay Rs.1,77,020/-
(Rupees One Lakh Seventy Seven Thousand Twenty
Only) with interest at the rate of 14.55% per annum to
plaintiff from 28.08.2023 till actual realisation of the
amount.
- 3 Issue necessary court fee refund certificate as per
Gujarat Court Fee Act in the name of the plaintiff.
- 4 Cost of the plaintiff's suit, shall bear by defendant
(except the amount of court fee).
- 5 Decree to be drawn accordingly.

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

Date : 13.01.2025. (ARVINDKUMAR SHIVPRASAD PANDE)
Ahmedabad. CHIEF JUDGE,
SMALL CAUSES COURT
AHMEDABAD.
CODE GJ00854