

**ORDER BELOW EXH.1 IN SUMMARY SUIT NO.721/2022.**

Ms. S. C. Athavle, 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 Public Summons as per Exh.10. Thereafter, the defendant has not appeared before the court and has not filed its appearance. Therefore, the plaintiff has given the application to pass exparte decree against the defendant vide exhibit – 11 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 4/6 and vide exhibit – 13, at mark 13/1, plaintiff has produced documents which are not challenged by the defendant and hence, taken on record as per exhibits – 15 to 20 and exhibit 21.

4            As per the document vide exhibit – 19 which is loan discharge quote, it is found that Rs.2,75,200/- is outstanding amount from the defendant. This being a commercial transaction, plaintiff is entitled to recover Rs.2,75,200/- interest at the rate of 11.15% per annum under Section 34 of the Code of

: 2 :

Civil Procedure. Therefore, I pass the following final order.

**O R D E R**

- 1 Plaintiff's suit is partly allowed.
- 2 Plaintiff is entitled to recover Rs.2,75,200/- (Rupees Two Lakh Seventy Five Thousand Two Hundred Only) with interest at the rate of 11.15% per annum from 20.09.2022 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 3<sup>rd</sup> September, 2024.

**Date : 03.09.2024. Ahmedabad.**      **(ARVINDKUMAR SHIVPRASAD PANDE)**  
**CHIEF JUDGE,**  
**SMALL CAUSES COURT**  
**AHMEDABAD.**  
**CODE GJ00854**