



Suit instituted on	26	09	2022
Registered on	26	09	2022
Decided on	06	05	2023
Duration	Y.	M.	D.
	00	07	10

IN THE COURT OF THE JUDGE,
SMALL CAUSES COURT, AT RAJKOT

Small Civil Suit No.828/2022

Exh. No. 12

PLAINTIFF

Paschim Gujarat Vij. Company Ltd.
Through its engineers,
Aji 1, sub division,
R A J K O T

VERSUS

defendants

Ranjanbhai Raoma heir of Mohmmadhusein Aamadbhai Raoma
Address:-
Bhagawati Society, Behind 66 no. school, Aahed Haidari
Chowk,
“Gani Mahel”
R A J K O T.

Sub:Suit for recovery of an amount of **Rs.13,372.44/-.**

Appearance:-

J.M.Magdani, learned advocate for the plaintiff.

The suit proceeded against the defendants as an exparte.

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

1. The plaintiff is a statutory body and re-established under Gujarat Electricity Industries (Re-organization and Regulation) Act, 2003. The plaintiff is a limited company doing its business to provide electricity to the consumers. The defendants was consuming electricity by obtaining electric connection Vide. Consumer number **31605/12428/1** as mentioned in the suit and the defendants are responsible for the payment of electricity. The amount of electric consumption of **Rs.13,372.44/-**. is due from the defendants as per bill. and looking to the bill defendants has consumed electricity from **June 2021 to August 2022**. That as per account of the defendants, the defendants are become found due to the sum of **Rs. 13,372.44/-**. The cause of action has arisen for the plaintiff to file this suit against the defendants at the time when the defendants are become found due towards consumption of electricity bill and after giving the notice to the defendants. So, the plaintiff instituted the present suit for recovery of due amount of **Rs. 13,372.44/-**.

2. The summons of the suit has been issued which has been duly served to the defendants vide Ex.5 and in response to the same, the defendants were not remained present before the court thereafter, an ex-parte order passed below plaint Exh.1 under Order-IX, Sub-Rule (1) of Rule-6 of the C.P.C.

3. In support of this suit, the plaintiff has produced following oral as well as documentary evidence.

ORAL EVIDENCE

No.	Name of Witness	Exh. No.
1	An affidavit of the plaintiff's witness Mr. Bharatgiri Rameshgiri Gosai	07

DOCUMENTARY EVIDENCE

No.	Details of Documents	Exh. No.
1	Proforma-12	08
2	Office Note	09
3	Ledger Copy	10
4	Certificate	11

4. The following issues have been framed at Ex. 6 for determination of the suit.

1	Whether the plaintiff is entitled for recover Rs.13,372.44/- from the defendants?
2	Whether the plaintiff is entitled for the interest? If yes, at what rate? If yes, at what rate?
3	Whether plaintiff present suit is barred by law of limitation?
4	What order and decree?

5. My findings on the above issues are as under.

1	In the Partly affirmative.
2	In the partly affirmative @ 6%.

3	In the Affirmative.
4	As per final order

6. I have heard the arguments of the Learned Advocate for the plaintiff and he has argued on the pleadings as well as oral and documentary evidence produced by the plaintiff. Mainly, he has argued that the defendants are consumer of the plaintiff and the defendants have not paid the amount of electricity bill and the defendants are become found due to sum of **Rs.13,372.44/-**. and he has requested to allow the plaintiff's suit.

7. The defendants did not choose to remain present during the trial of the suit. My reasons for findings of the issues are discussed hereinafter.

REASONS

Issues Nos. 1

8. The plaintiff's side **Mr. Bharatgiri Rameshgiri Gosai** has filed his affidavit at Ex.07 wherein he has reiterated the facts of suit. Mainly he has stated that he is serving as Deputy Engineer in the plaintiff company and he is well conversant with the facts of suit. He has stated that the defendants are consumer of the plaintiff and he is consuming electricity and after giving notice to the defendants, the defendants did not take care to pay due amount of plaintiff. Further he has stated that the defendants are become found due to the amount of **Rs.13,372.44/-**. and he has prayed to grant the relief as per the suit by passing decree in favour of the plaintiff P.G.V.C.L.

10. In this suit, the plaintiff P. G. V. C. L. has produced the documentary evidence at **Ex.08 to 11** The plaintiff P. G. C. V. L. has stated that the defendants is become found due to the sum of **Rs.13,372.44/-**. and in this regard, the plaintiff P. G. C. V. L has produced **Proforma No.12** vide **Ex.08**. That after service of said notice to the defendants, the due amount has not been paid by the defendants till today and, therefore, the present suit instituted for recovery of the amount from the defendants as prayed for. The evidence of the plaintiff is remained unchallenged as the defendants did not choose to remain present in the suit. The plaintiff P. G. V. C. L. has proved the facts of it's suit claim by producing oral as well as documentary evidence as discussed above and there is no reason to disbelieve the same in absence of any kind of evidence from the defendant's side and accordingly. but looking to the evidence produced by the plaintiff there is no any specific averment regarding the charging of delay payment charges. Therefore, I am of the opinion for that plaintiff is not entitles for delay payment charges of **Rs. 2204.84 ps.** Thus, plaintiff has proved that the defendants are become found due to the sum of **Rs.11,167.6ps.** In view of above, the plaintiff is entitled to recover **Rs. 11,167.6ps.** from the defendants and accordingly, I give my finding on **issue No. 1** in the "**Partly Affirmative**".

Issues No. 2

11. The plaintiff has claimed interest on the suit amount at the rate of **12%** per annum, but no agreement and not claim the **12%** interest in the notice issues by the plaintiff. There for according to legal position prevailing on the subject and as per the section 34 of CPC the plaintiff is entitled for interest of the said amount at the rate of **6%** per annum. There for plaintiff would be entitled to get the interest at the rate of **6%** per annum of the plaint amount. Hence the above discussion the answer of the **issues No. 2** is ***Partly Affirmative***".

Issues No. 3

12. Further, having gone through Proforma-12 produced by the plaintiff and in absence of written statement as well as any kind of evidence from the defendant's side, it is found that suit is within the limitation. Accordingly, my finding of issue No. 3 is given in the ***"Affirmative"***.

Issues No. 4

13. In view of aforesaid discussion and considering the arguments advanced by Ld. Advocate for the plaintiff, the plaintiff has proved to the facts of **issue no.1 to 3**, therefore plaintiff is entitled to get the relief as per his plaint with above discussion. Hence in the interest of justice, I pass the following final order towards issue no. 4.

:- O R D E R :-

- (1) The plaintiff's suit is hereby partly allowed.
- (2) The defendants are hereby ordered to pay **Rs. 11,167.6/-**.
(Rupees Eleven thousand One hundred Sixty Seven and Six paisa Only) along with interest at the rate of **6% p.a.** from the date of the filing of this suit till its realization to the plaintiff.
- (3) The defendants are ordered to pay the costs of the suit to the plaintiff and to bear his own, if any.
- (4) Decree be drawn accordingly.

Order signed and pronounced in the open court today on this 06th day in the month **May - 2023**.

R A J K O T

Date :06/05/2023

(CHANDRASINH PRATAPSIKH CHARAN)

Judge,

Small Cause Court,

Rajkot

(UID - GJ01483)