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DECIDED ON:- 29/09/2023

DURATION:- Y M D

IN THE PRINCIPAL CIVIL COURT LODHIKA.

R.C.S.No.83/2023

Ex:-

Paschim Gujarat Vj.Company Ltd.

(Through Nayab Engineer)

Metoda Sub-Division

Ta-Lodhika, Dist-Rajkot.

....Plaintiff

V/s.

Ravjibhai Naranbhai Sindhav

At- Shapar,

Dist-Rajkot.

....Defendant

Advocates:-

Mr.J.M.Magdani Ld.Advocate for the Plaintiff.

Defendant-Ex-Parte.

Suit For Recovery Of Rs. 3586.59/- ps.

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

1. The Plaintiff is a statutory body and re-established under:-
2. Gujarat Electricity Act, 2003. The plaintiff is a limited company doing its business to provide electricity to the consumers.
3. The defendant was consuming electricity and he is responsible for the payment of electricity. The amount of electric consumption Rs.3586.59/- ps is due from the

defendant and served on the defendant. However, the defendant did not act upon to pay the due amount. So, the plaintiff instituted the present suit for recovery of due amount with interest.

4. The summons of the suit served on the defendant vide Exh..... to remain present before the court. But, the defendant was not present on the date fixed for appearance and ex-parte order passed below plaint Exh.5 under order-IX, sub-rule (1) of rule-6(a) of the code of Civil procedure, 1908 (For brevity "C.P.C").
5. In support of this suit, the plaintiff has produced following oral as well as documentary evidence.

Oral Evidence

<u>No.</u>	<u>Name of Witness</u>	<u>Exh.No.</u>
1.	Mr. Sanjay Manharlal	17

Documentary Evidence

<u>No.</u>	<u>Details Of Documents</u>	<u>Exh.No.</u>
1.	Performa-12	08
2.	Ledger Copy	09
3.	Office Note	10
4.	Certificate	11
5.	Gate Pass	12
6.	Reg. AD Slip	13
7.	Reg. AD Slip	14
8.	Notice	15
9.	Electric Connection	16

6. The Following issues are framed vide Ex.6 for the determination of the suit.
 1. Whether the plaintiff proves that plaintiff is entitled to recover of Rs. 3586.59/- ps. from the defendant ?
 2. Whether the plaintiff is entitled to get interest ? If Yes, at What rate ?
 3. Whether the plaintiff is entitled for Claimed relief ?
 4. What Order and decree ?
7. My findings of points for determination are as under

1. In the affirmative.
 2. In the affirmative.
 3. In the affirmative.
 4. As per final order.
8. I have heard the arguments of the Learned Advocate for the plaintiff. The defendant did not choose to remain present during the trial of the suit. My reasons for findings of the points for determination are discussed hereinafter.

// REASONS //

Issues No.1 to 4 :-

9. All points are being discussed altogether only for the sake of convenience.
10. The plaintiff side Mr.Sanjay Manharlal Serving as Deputy Engineer in the Company, has deposed at Exh.17 and also produced documentary evidence vide Exh.08 to Exh.16 to prove that the defendant was consuming and he is responsible for the payment of electricity. Therefore, Plaintiff had given electricity bill for the electricity consumption. But, the defendant has not paid any amount. The due amount demanded through notice, but it has not been paid till today and, therefore, the present suit instituted for recovery of the amount from the defendant as prayed for.
11. The evidence of the plaintiff is remained unchallenged as the defendant did not choose to remain present in the suit. Therefore looking to evidence submitted by the plaintiff side court believed that the plaintiff has proved that the Rs. 3586.59/- ps., including amount of delay payment charges, is due amount from the defendant but plaintiff has not produced evidence to show that it is entitled to charge delay payment charges and, therefore, I am of the opinion that plaintiff is not entitled for delay payment charges. Thus, plaintiff has proved that Rs. 3337.63/- ps. excluding delay payment charges is due amount from the defendant. The plaintiff has proved the suit. The business of the company is commercial and the court has power to award interest. The plaintiff is entitled for interest at a rate of **6%** per annum from the date of the suit till realization of the amount under section 34 of the C.P.C Hence, my findings of points for determination are answered accordingly.

12. Relying on the facts and circumstances, the suit deserves to be decreed with cost and following order is passed in the interest of justice.

// O R D E R //

1. The Suit of the plaintiff is hereby partly decreed with cost.
2. The defendant is hereby ordered to pay Rs. 3337.63/- ps with interest at the rate of **6%** per annum from the date of the suit till the realization of decretal amount. The defendant is ordered to bear the costs of the plaintiff and to bear his own, if any.
3. A decree be drawn accordingly.

pronounced in the open court today on this 29th Sep, 2023.

Date : 29/09/2023

Lodhika.

(Rupesh Kiritkumar Jani)
Principal Civil Judge & J.M.F.C.
Lodhika.

Code No.GJ01658