



Received on : 21/07/2023
Registered on : 03/08/2023
Decided on : 04/10/2023
Duration : 00 Y. 02 M. 13 D
CNR No. : MHPU15-001198-2023

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION,
BARAMATI, TAL. BARAMATI, DIST. PUNE
(PRESIDED OVER BY IMRAN A. R. MARCHIYA)**

SPL.SUM. SUIT NO.57/2023

EXH.7

PLAINTIFF : ICICI Bank Ltd.,
A Banking Company corporate under the
Companies Act, 1956 and having its
registered office at “Land Mark”,
Alkapuri, Race Course Road, Vadodhara
and Corporate office at ICICI Bank
Towers, Bandra-Kurla Complex, Mumbai-
51 and its branch office at ICICI Bank
Ltd. Dhanesh Building, Nevase Road,
Baramati, District – Pune,
Through its Authorized Representative
and Power of Attorney Holder,
Rahul Jainarayan Anand,
Age: 26 Yrs., Occ.: Service,
R/at : ICICI Bank Ltd., Dhanesh Building,
Nevase Road, Baramati, Dist. – Pune.

V E R S U S

DEFENDANT : Amol Anna Chaudhar,
Age : 35 Years, Occ. : Business,
R/o : Vanajarwadi, Chaodhar Wasti, Rui,
Baramati, Taluka Baramati, District Pune,
Maharashtra, Pincode – 413102.
AND
Trimurti Water Suppliers,
Vanajarwadi, Rui, Baramati, Taluka
Baramati, District Pune, Maharashtra,
Pincode – 413102.

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Advocate for the plaintiff – H. B. Tawre.
The defendant – failed to enter an appearance.
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J U D G M E N T
(DELIVERED ON 04/10/2023)

1] This is a summary suit under Order 37 of the Code of Civil Procedure (for short, ‘the Code’) for recovery of outstanding loan amount of Rs.7,31,008/- with interest.

2] In brief, it is the case of the plaintiff that it is a bank incorporated under the Companies Act, 1956 and having its registered office at Vadodhara and one of its branch office at Baramati, District – Pune.

3] The plaintiff bank has averred that on the request of the defendant, the plaintiff bank sanctioned a vehicle loan of Rs.5,58,000/- to him on 30/01/2019 for the purpose to buy Toyota Etios GD bearing registration number MH-12-NP-5207. The defendant executed all necessary documents in favour of the plaintiff bank for the loan. The

defendant agreed to repay the loan with interest @13.51% p.a. by 60 monthly installments. However, after availing the loan, the defendant failed to repay the loan as per the agreement. The amount of Rs.7,31,008/- is due from the defendant with interest. On 12/12/2022 the plaintiff bank issued notice through its advocate to the defendant and demanded the repayment of loan, but it was of no use. The defendant is liable to pay the outstanding loan amount to the plaintiff bank. Hence, the suit.

4] Despite service of suit summons (Exh.6) as per Rule 2 of Order 37 of the Code, the defendant failed to enter his appearance in the suit.

5] The plaintiff bank has filed copies of all loan documents and loan account statement on record. I have gone through all the documents filed on record. The documents filed on record supports the claim of the plaintiff bank. As the defendant failed to appear despite service of suit summons (Exh.6) issued under Rule 2 of Order 37 of the Code, the allegations in the plaint are liable to be admitted and the plaintiff bank is entitled to a decree for the sum mentioned in the summons, as per Sub Rule 3 of Rule 2 of Order 37 of the Code. Accordingly, the plaintiff bank is entitled for the decree against the defendant for the claimed due amount. In the result, the suit deserves to be decreed with costs. Hence, the order -

ORDER

- 1) The suit is decreed with costs.

- 2) The defendant do pay to the plaintiff bank the amount of Rs.7,31,008/- (Rupees Seven Lacs Thirty One Thousand Eight only) with interest @ 13.51% per annum from the date of the suit till the realization of the said amount.
- 3) The defendant do pay costs of the suit to the plaintiff bank.
- 4) Decree be drawn up accordingly.

Place : Baramati
Date : 04/10/2023

(Imran A. R. Marchiya)
Civil Judge, Sr. Division,
Baramati, Dist. Pune.

:: CERTIFICATE ::

I affirm that the contents of this P. D. F. file of Judgment are same word to word, as per original Judgment.

Name of Stenographer	:	Sau. G. M. Naik (Stenographer – Grade II)
Name of Court	:	Imran A. R. Marchiya, Civil Judge, Sr. Div., Baramati, Dist. Pune.
Judgment Date	:	04/10/2023
Judgment signed by Presiding Officer on	:	04/10/2023
Judgment uploaded on	:	04/10/2023