

IN THE COURT OF MS. KIRAN JYOTI, PCS
ADDL. CIVIL JUDGE (SR. DIVISION),
BATHINDA.

FILE NO. 160 DT. 12.10.2018

CASE REGISTRATION NO.

CS.37/1/2018

CNR NO. PBBTO2-002996-2018

UID No.PB0333

Date of Decision 19.11.2018

Diwanshu Chawla, aged about 26 years, son of Sh. Rajinder Kumar,
resident of H. No.11, Veer colony, Bathinda.

.....Plaintiff

Versus

Harbhajan Singh son of Saudagar Singh, resident of near Dharamshala, V.
Lehra, Dhurkot, Tehsil & Distt. Bathinda.

.....Defendant.

Suit under order XXXVII of Code of Civil Procedure for
recovery of Rs. 69,600.00 (Rs. Sixty Nine Thousands only) ie
Rs. 60,000.00 being the principal amount and Rs. 9,600/- being
the amount of interest thereon @ 2% per month, w.e.f 15.2.2018 to
14.10.2018 alongwith pendente-lie and future interest @ 2% p.m,
w.e.f 15.10.2018 till its realization alongwith costs of the suit.

Present: Sh.J.S.Kohli Adv. Counsel for plaintiff.
Defendant did not put in appearance.

JUDGMENT

Ms. Kiran Jyoti, PCS
ACJ(SD)/BTI.

The present suit for recovery has come before me for final disposal.

2. Brief facts of the present case are that on 15.2.2018, the defendant borrowed a sum of Rs. 60,000/- in cash from the plaintiff at Bathinda for his domestic purposes, in the presence of marginal witness Sh. Rajinder Kumar c/o Shree Krishan Jewellers, Sirki Bazar, Bathinda and Hari Chand R/o St. no.10, Secretariat Road, Bathinda and Hari Chand R/o St. no.10, Secretariat Road, Bathinda. The defendant agreed to pay interest on the said amount 2 2% p.m and further agreed to repay the said amount alongwith upto date interest thereon, on demand by the plaintiff. The defendant after receiving the abovesiad amount of Rs. 60,000/- in cash, also executed a pronote and receipt in favour of plaintiff on 15.2.2018 in the presence of abovesaid witnesses. The pronote and receipt scribed by the witness Rajinder Kumar. The witness also put their signatures on the receipt in the presence of plaintiff and defendant. The interest on the abovesaid amount of Rs. 60,000/- @ 2% per month w.e.f 15.2.2018 to 14.10.2018 come out to Rs. 9,600.00 and in this way, a total sum of Rs. 69,600 has became due to the plaintiff and against the defendant and plaintiff is entitled to recover the same from the defendant alongwith upto date interest thereon @ 2% w.e.f 15.10.2018 till the date of its realization. Hence this suit.

3. Summons of appearance was issued to the defendant on 12.10.2018 through prescribed form/proforma and he was required to appear and put into appearance within ten days from the date of his

service. He was served on 25.10.2018. However, defendant has not turned up within prescribed period of ten days from the date of his service through summons of appearance and has failed to file appearance. His inaction has rendered him not entitled for leave to defend as provided under Order 37 Rule 3 Sub Rule 5 of C.P.C. In such situation Court is left with no other option except to presume that defendant has nothing to say in defence. The plaintiff has placed on file original pronote and receipt. As the defendant has not appeared to defend this suit, so plaintiff is entitled to judgment forthwith as provided under Order 37 Rule 3 Sub Rule 6 of C.P.C. Accordingly, the suit of the plaintiff is hereby decreed, with costs for the recovery of Rs.69,600/-. The plaintiff is further held entitled to recover future interest at the rate 6% P.A on principal amount of Rs.60,000/- from the date of filing of this suit till realization of entire decretal amount. Decree sheet be prepared. File be consigned to the Judicial Record Room.

Announced
Dated: 19.11.2018

(Kiran Jyoti), PCS
Addl. Civil Judge (Sr. Division),
Bathinda.
UID No. PB0333

Dazzy Sharma
Stenographer G-II

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Ms. Kiran Jyoti, PCS
ACJ(SD)/BTI.