

**IN THE COURT OF LD.CIVIL JUDGE-02 (SOUTH)
SAKET COURTS COMPLEX, NEW DELHI**

Presided Over By: SH. VISHAL PAHUJA

**In the matter of:
CS No.650/2014**

**Saket N-Block Residents Welfare Association,
N-G10, Saket, New Delhi,
Through Cdr. (Retd.) Rakesh Gupta,
General Secretary**

.....Plaintiff

Versus

**Sh. Vinay Khandelwal,
N- 15B, Saket,
New Delhi- 110017**

..... Defendant

**Date of Institution : 19.01.2013
Date of Reserving Judgment : 28.11.2014
Date of Decision : 28.11.2014**

**J U D G M E N T
(on Suit for Recovery of Rs. 8,500/-)**

1. This suit was filed by the plaintiff for a recovery of **Rs. 8,500/-** alongwith interest @12% per annum against the defendant.
2. Briefly stated, case of the plaintiff is that the plaintiff is the Residents Welfare Association. The defendant is one of the member of the plaintiff society/association being resident of N-Block, Saket, New Delhi. That as per the rules and

regulations of plaintiff society/association, resolution adopted by General Body Meeting of society and confirmed on 25.04.2010 in the annual General Body Meeting, each member of society has to pay Rs.250/- per month per flat as membership/subscription fee towards various welfare activities of the society. That plaintiff has repeatedly requiring the defendant to pay the monthly charges @Rs.250/- per month for the last about 2 years but defendant failed and neglected to pay the same inspite of repeated requests and demands of plaintiff. That the said membership/subscription fee has been revised from Rs.250/- to Rs.400/- per month from November, 2012. That a legal notice dated 14.03.2012 was served upon the defendant but all in vain. Hence, the present suit is filed by the plaintiff.

3. Notice of the suit was served upon the defendant. However, none appeared on behalf of the defendant nor any written statement was filed. Thus, vide order dated 24.09.2013, defendant was proceeded ex-parte.
4. In order to prove its case, the plaintiff examined Cdr. (Retd.) Rakesh Gupta as PW-1 who tendered his evidence by way of an affidavit **Ex.PW-1/A**. He further relied upon documents **Ex.PW-1/1 Colly** (letter dated 05.07.2000-OSR), **Ex.PW-1/2** (copy of minutes), **Ex.PW-1/3** (copy of notice), **Ex.PW-1/4** (postal receipt) and **Ex.PW-1/5** (AD Card). Thereafter, plaintiff closed his ex-parte evidence.

5. I have heard the ex-parte arguments on behalf of the plaintiff and also gone through the case file carefully.
6. As the plaintiff witness was not cross examined, the testimony of PW-1 remained unchallenged and unrebutted. The documents relied upon by the plaintiff have also been duly proved not being under challenge by the defendant.
7. In view of the above discussion, I am of the considered opinion that the plaintiff has been able to firmly establish its case by leading cogent evidence. Hence, the suit of the plaintiff is hereby decreed and a decree for recovery of Rs.8,500/- alongwith the interest @ 12% per annum from the date of institution of the suit till realization is hereby passed in favour of the plaintiff and against the defendant. Costs of the suit are also awarded to the plaintiff. Decree sheet be prepared accordingly.
8. File be consigned to the record room after due compliance.

**Announced in the open Court
on 28th Day of November 2014**

**(Vishal Pahuja)
CJ-02 (South)/Saket Courts
New Delhi/28.11.2014**