

**IN THE COURT OF SH. YASHU KHURANA,
CIVIL JUDGE-01, SOUTH EAST DISTRICT, SAKET
COURTS, NEW DELHI**

**Presiding Officer: Sh. Yashu Khurana, DJS
CS SCJ 1347/24
CNR no.:- DLSE030021142024**



In the matter of:-

- 1. BLUEBELLS SCHOOL INTERNATIONAL
(Through its AR, Sh. R. S. Manral)
Kailash, New Delhi- 110048.**
- 2. BLUEBELLS SCHOOL INTERNATIONAL
(Through its AR, Sh. R. S. Manral)
C/o Bluebells School International,
Kailash, New Delhi- 110048.**

... Plaintiff

Vs.

- 1. VIRENDER RANA
T-1/9, GF,
Ferrous Beberly Homes,
Phase-II, Sector 89,
Faridabad, Haryana-121002.**

....Defendant

Date of institution of Suit	: 16.10.2024
Date on which Judgment was reserved	: 11.06.2025
Date of pronouncement of the Judgment	: 23.07.2025

EX- PARTE JUDGMENT

1. The plaintiff has instituted the present suit against the

defendant for recovery of an amount of **Rs.1,21,418/-**, alongwith interest @18% per annum and costs.

Brief facts:-

2. The plaintiff has *inter-alia* pleaded in the plaint that, the present suit has been filed through **Sh. R. S. Manral**, who is competent to sign, verify and institute the same on behalf of the plaintiff by board resolutions dated **17.09.2024** and **30.08.2024**.
3. Plaintiff no.1 is a private unaided recognized school, running under the aegis of plaintiff no.2 society. Plaintiff no.2, i.e. society in the name of “Bluebells Education Society” which was registered in the year 1977 and the school started functioning in the year 1980.
4. It is stated that defendant is the father of Dhruv Rana, the student who was admitted in plaintiff’s school. As per the records of the plaintiff, admission number of the student was 11978. It is stated the defendant is bound under a legal obligation to make the timely and regular payment of the fee of his ward. It is stated that the schools in Delhi are governed by the provision of Delhi School Education Act and Rules, 1973 and it is the statutory obligation of the parents to pay the school fee of their children. The school is entirely dependent on the fee paid by the parents for

meeting its expenses to maintain these high standards of education. It is stated that since the child of the defendant is admittedly the student of the plaintiff school and the defendant has paid the fees in the past as well, it is amply clear that the same is an admission of legally enforceable debt upon the defendant and in favour of the plaintiff school. It is stated that defendant paid the school fee regularly, however, under the shield of the DoE order dated **01.08.2018** qua the fee structure of the school for the year 2017-18 and in guise of the fact that the issue regarding the same was sub-judice before the Hon'ble High Court, defendant long delayed the payment of the dues. Because of over delay of fee payment on defendant's part, the school's financial situation has been jeopardized. It is stated the plaintiff wrote various letters to the defendant thereby informing him inter-alia to pay outstanding fees of his ward. It is claimed that defendant has not cleared the dues of school, despite such repeated requests and reminders. Thereafter, plaintiff was constrained to get a legal notice dated **31.05.2024** issued to the defendant. It is stated that since defendant failed to make due payment of the amount in question, defendant is liable to pay an amount of **Rs.1,21,418/-**, along with pendente-lite and future interest @18% per annum. Hence, the present suit has been filed.

5. Summons of the suit were ordered to be served upon the defendant on **16.10.2024**. Defendant was duly served on **25.10.2024**. However, despite service of summons, defendant failed to appear before the Court and was proceeded ex-parte vide order dated **04.12.2024**. Subsequently, the matter was listed for ex-parte evidence of the plaintiff.

Plaintiff 's evidence:-

6. To prove its case, plaintiff examined its AR **Sh. R. S. Manral**, i.e. **PW-1**, who tendered his evidence by way of affidavit i.e. **Ex.PW-1/A** and relied upon the following documents: -

SL	Documents	Exhibits
1.	Copy of recognition certificate issued by the Directorate of Education.	Ex.PW1/1 (OSR)
2.	Copies of resolution dated 17.09.2024.	Ex.PW1/2 (colly)
3.	Copy of admission form of student namely Dhruv Rana.	Ex.PW1/3 (OSR)
4.	Copy of legal notice dated 31.05.2024, along with speed post receipts.	Ex.PW1/4 (colly)
5.	Copy of ledger along with certificate under	Ex.PW1/5 (colly)

	Section 63 of BSA, 2023.	
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7. Thereafter, plaintiff closed its ex-parte evidence on **03.02.2025**, and the matter was posted for ex-parte final arguments.

Final Arguments:-

8. Ld. Counsel for the plaintiff reiterated the averments made in the plaint and the same are not being reproduced for the brevity of the decision.
9. He submitted that, the case of the plaintiff stands duly proved by virtue of unchallenged suit filed on behalf of the plaintiff and the documents placed on record and as such, plaintiff should be granted the decree, as prayed for.

Finding & Analysis:-

10. It is a settled law that a plaintiff's case must stand on its own merits and plaintiff must discharge the burden of proof cast upon him. It was also held in ***Maya Devi v. Lalita Prasad***, (2015) 5 SCC 588, that the absence of defendant to contest the suit does not invite a punishment in the form of an automatic decree.
11. Perusal of the record shows that, the present suit has been filed on **16.10.2024**, whereas the cause of action last arose

upon the plaintiff, on **07.02.2024**, when defendant made the last payment against the outstanding amount. Furthermore, the suit has been filed within the jurisdiction of this Court as the plaintiff has claimed that, plaintiff's schools was situated at Kailash, New Delhi, which falls within the jurisdiction of this Court.

12. The defendant has not appeared to contest the present suit, and the suit of the plaintiff has remained uncontroverted and unrebutted. To discharge the burden of proof cast upon the plaintiff, he relied upon, copy of recognition certificate issued by the Directorate of Education i.e. **Ex.PW-1/1 (OSR)**, copies of admission form of student namely Dhruv Rana i.e. **Ex.PW-1/3 (OSR)**, copy of ledger along with certificate under Section 63 of BSA, 2023 i.e. **Ex.PW1/5 (colly)**. Based on the aforesaid documents, plaintiff has discharged the burden of proof cast upon them. Plaintiff has thus proved that they are entitled to recover principal amount of **Rs.1,21,418/-**. With respect to pendente-lite and future interest claimed @ 18% p.a., plaintiff relied upon the copy of copy of ledger i.e. **Ex. PW-1/5 (colly)**, wherein it has been categorically mentioned that in case of default defendants are liable to pay interest @ 12% per annum. However, the aforesaid interest rate claimed by plaintiff seems excessive. Accordingly, in the interest of justice plaintiff is awarded

pendente-lite and future interest @ 10% p.a on the outstanding principal amount i.e. **Rs.1,21,418/-** from the defendant.

Relief:-

13. In view of the foregoing reasons, the present suit is decreed in favour of the plaintiff and against the defendant. The plaintiff is held entitled to recover from the defendant a sum of **Rs.1,21,418/-**, alongwith interest @ 10% per annum from the date of institution of the suit till the realization of the suit amount. No order as to costs.
14. Decree sheet be prepared accordingly.
15. Original documents, if any, be returned to the rightful claimant against due acknowledgment after receipt of their certified copies on record.
16. File be consigned to Record-Room after due compliance.

**Pronounced in the open
Court on 23.07.2025**

**(Yashu Khurana)
Civil Judge-01, South East,
Saket Court, New Delhi.**