

In the Court of Sub Judge-II, Benipur

Present:- Sri Pranav Kumar Bharti

Title Suit No.-80 of 2019, Registration No.-83/19

Lakhsman Jha vs. Kuldip Jha

ORDER

08-08-2022

Case is called out and record is produced before me. Wakaltan hazari have been filed on behalf of both plaintiff and defendant. Perused the case record. On perusal of the case record, it appears to the Court that this instant suit has been brought by the plaintiff against sole defendant on 22.11.2019. After admission, summon was issued against the defendant and defendant appeared in the suit on 28.01.2020 and W.S. was filed on behalf of the defendant on 21.03.2020. Then record was fixed for hearing u/s-89 of the C.P.C. and since 20.03.2021 to 09.09.2021, this instant suit has been pending for hearing u/s-89 of the C.P.C; but by seeing the disinterest of the parties in settlement, this record was fixed for filling original documents and suggestive issues on 23.09.2021 and last chance was given to the plaintiff on 24.06.2022. But despite chance, no original document has been filed on behalf of the plaintiff. Further, the plaintiff has not done regularly pairavi and despite last chance, neither plaintiff, nor his learned counsel of the plaintiff turned up in the Court for hearing and filling original documents.

The Court is of the view that plaintiff is the master of the suit and he should always be conscious of the development of the suit. It is duty of the plaintiff to make proper pairvi and also appear whenever case is called on. In this case, despite last chance, original document has not been adduced. So, it is worthless to keep this record pending for filling the original documents, while plaintiff has regularly been absent since 26.06.2020 except on 21.04.2022, 05.05.2022 and also on last three dates and precious time of the Court has been spoiled. Almost three years have been passed and this record has been pending for filling original documents.

continue.....

Title Suit No.-80 of 2019, Registration No.-83/19

Lakhsman Jha vs. Kuldip Jha

08-08-2022

continued...

Having considered the fact and circumstances of the suit and also the conduct of the plaintiff, the Court is of opinion that the Plaintiff has lost his interest in this suit. Thus, suit of the plaintiff is dismissed in disobedience of the order of the Court and also for want of proper prosecution.

Let this record be consigned in the record room within stipulated time.

Dictated

Sub Judge-II
08.08.22