

GJSK180004612024



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**Order below Exhibit 1 in
Regular Civil Appeal No. 10/2024**

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1. Today, when the matter is called out neither the appellant nor his Ld. Advocate remained present before the court.
2. It appears from the record that the present Regular Civil Appeal has been filed by the appellant against the judgment and order passed by the **Ld. Principal Senior Civil Judge, Idar** in Regular Civil Suit No. **20/2013** wherein the suit has been rejected.
3. It further appears from the record that the present **Regular Civil Appeal No. 10/2024** was received by transfer from the Court of 2nd Additional District Judge, Idar vide Office Order No. 575/24, dated 26.11.2024 of the Hon'ble Principal District Court, Sabarkantha at Himmatnagar. Since then, the matter is pending for serving of notices to the respondent No. 1. However, it appears that neither the appellant nor his Learned Advocate has remained present before this Court, and the appellant has also failed to take due care to serve notice upon respondent No. 1 and has chosen to remain silent. Further, efforts have not been

made from the appellant's side to serve notice upon respondent No.1. Under this circumstances, the appeal is required to be dismissed for default for want of prosecution as provided under Order 41 Rule of 17. Hence, I pass the following final order:-

:: O R D E R ::

1. The present **Regular Civil Appeal No. 11/2016** is hereby dismissed under Order 41, Rule of 17 of the Code of Civil Procedure Code for want of prosecution and appellant's default.
2. The appellant is at liberty to file restoration application as provided under Rule 19 of Order 40 of Code of Civil Procedure Code., within prescribed time limit.
3. The certified copy of this order along R & P if any, be immediately remitted back to Learned Trial Court for information and necessary action.
4. No order as to costs.

This order is dictated, signed and pronounced in the open Court on today on **20th September, 2025.**

Date:- 20.09.2025
Place : Idar.

(M.Y.Radhanpurwala)
3rd Additional Sessions Judge,
Sabarkantha @ Idar.GJ00734.

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Further Order below Exhibit:- 10

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1. The Ld. Advocate has filed an application at Exh. 10. Heard & read the said application, perused the record it appears that in final order below Exh.1, R.C.A No. 11/2016 is typed instead of R.C.A No. 10/2024 which is typographical mistake and can be correct as provided under Section 152 of the Code of Civil Procedure.
2. Hence, present application is allowed in terms of correcting arithmetical mistake in operative portion of order and be correct as R.C.A No. 10/2024 in place of R.C.A No. 11/2016. Therefore, It is hereby clarified that the number of R.C.A shall be correctly read as R.C.A No. **10/2024** instead of R.C.A No. 11/2016 in order portion.
2. The rest of the order will remain as it is.
3. No order as to cost.

This order is signed and pronounced in the open Court on today on **27th October, 2025.**

Date:- 27.10.2025
Place : Idar.

(M.Y.Radhanpurwala)
3rd Additional Sessions Judge,
Sabarkantha @ Idar.GJ00734.