



RCS No.197/2017
Riyaz Vs. Salam & Ors.

ORDER BELOW EXH. 1

1. In the instant matter the original claim came to be dismissed in default on 08.05.2026 and only counter-claim is pending.

2. The counter claimants and their advocate are absent though called repeatedly in the morning session. Therefore, the matter was kept back in the second session. In the after noon session again the counter claimants and their advocate absent on repeated calls. No application for adjournment on behalf of the counter claimants is filed on record.

3. Perusal of the record reveals that on 08.05.2026 the original suit is dismissed in default and directed to counter claimants to proceed with the counter claim. However no steps taken at the instance of counter claimants. The counter-claim is lingering since long. On perusal of roznama it appears that on 08.07.2026 the Court was constrained to put up this counter claim for dismissal order. On today itself until 3.55 pm none appeared and no steps taken on behalf of the counter claimants to proceed with the counter claim. Considering the nature of the counter claim, I am satisfied that the parties are not interested to proceed with the instant matter. Thus, it appears that the counter claimants have lost their interest in litigating with the instant counter claim. From the said conduct, it appears that they have no say if the counter-claim is dismissed in default. The matter is more than 9 years old. The Hon'ble High Court has time and again issued standing directions and directed to dispose of such matters and the matters which have been stalled due to inaction by either parties. Thus, the instant counter claim is hereby dismissed for default with costs. Interlocutory orders (if any) stands vacated. Proceeding stands closed. Order accordingly.

Date : 15.07.2026.
Place : Madha, Dist. Solapur.

(Bhalchandra R. Zende)
3rd Jt. Civil Judge (J.D.),
Madha.