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**ORDER BELOW EXH.1 IN  
SPECIAL CIVIL SUIT NO. 171 OF 2011.**

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1. The Ld. Advocate for the defendant has filed an application vide Exh.76 seeking to dismiss the present suit on account of constant non-appearance of the plaintiff.
2. It is submitted in the application that, the plaintiff is not appearing in this matter since long and no any adjournment has been sought, therefore, this suit be dismissed.
3. I have Perused the record of the present suit. In the present suit, neither the plaintiff nor his Ld.Advocate is appearing since long. The present suit is at the stage of producing evidence on behalf of the plaintiff.

4. Order IX Rule 8 of the Code of Civil Procedure reads as under :

***" 8. Procedure where defendant only appears-***

*Where the defendant appears and the plaintiff does not appear when the suit is called on for hearing, the court shall make an order that the suit be dismissed, unless the defendant admits the claim, or part thereof, in which case the court shall pass a decree against the defendant upon such admission, and, where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder."*

5. Today, this matter is listed on Board, but, neither the plaintiff nor his Ld. Advocate remained present in this matter, and there is no any application for adjournment. From the record, it appears that the plaintiff has filed this suit in the year 2011 and neither the plaintiff nor his Ld.Advocate have appeared before this Court to proceed further in the present suit since long. Looking to the record itself it clearly appears that plaintiff is not interested to proceed further with the matter and the matter is pending since long. This court has given sufficient opportunities to the plaintiff to proceed with the matter, however, neither the plaintiff nor his Ld. advocate appeared before this Court since long and failed to prove his case. The record on hand itself suggest constant non-appearance on the part of the plaintiff. Therefore, on

account of default and non-appearance of the plaintiff since long, and taking into consideration the direction given by the Hon'ble Gujarat High Court for old cases, the present suit is required to be dismissed for default under Order 9 Rule 8 of the CPC. The constant absence of the plaintiff impedes the progress of the suit and causes undue hardship and expense to the defendant who is regularly appearing. Hence, following Order is passed.

**:: O R D E R ::**

- The present **Special Civil Suit No.171 OF 2011** is hereby **DISMISSED FOR DEFAULT** under **Order IX Rule 8** of the Code of Civil Procedure.
- No order as to costs.

**Pronounced and signed today on this 1<sup>st</sup> April, 2026.**

Date : 01/04/2026.

Place: Dholka.

[B. M. Gadhiya]

Addl. Sr. Civil Judge & ACJM  
Ahmedabad (Rural) at Dholka.

UIC No.01176