

**ORDER BELOW EXH-1**

1. Present suit has been filed by the plaintiff bank against the defendants stating that the term loan of Rs. 3,80,000/- and cash credit loan of Rs. 3,00,000/- was sanctioned to defendant with 12% of floating interest. As defendant was irregular in the payment and hence, his loan account became N.P.A. as he did not pay the loan amount accordingly to the bank. Moreover, the plaintiff had filed the present suit for recovery of Rs. 3,65,269.84/- with 12 % interest and 2% as penal interest.
2. The notices served to the defendants and they appeared through their advocate, and filed reply Exh. 13, on dated 04/12/2021. Thereafter, issues were framed vide Exh. 14 on dated 31/03/2022, since then the matter is pending for the plaintiff evidence since last 4 years, the plaintiff advocate did not remain present not gave any application and the matter was adjourned suo-moto in interest of justice.
3. The present suit is more than **6 years** old, and till today the plaintiff had failed to remain present and proceed further. Even looking at the record, the plaintiff's conduct is seen that, he is least interested to proceed with the matter. Moreover, present court is relying on the judgment of our Hon'ble High Court which is as under,

The hon'ble High Court of Gujarat has held in case of PATEL SHANKARBHAI VIRABHAI V/S. PATEL NARAYANBHAI AMBALAL (CIVIL APPLICATION No. 426 of 2010 dated 10/11/2011) that '**A litigant cannot say that since he entrusted the matter to a lawyer he would thereafter go in slumber. A litigant also owes a duty to keep a constant watch on the proceedings.**'

4. It is well settled that “the Law helps who awake and not the sleepy person”. So looking to the conduct of the plaintiffs it is transpired that the plaintiffs

do not want to proceed in present suit. The Court suo-moto granted the adjournment in interest of justice but neither the advocate appear nor the plaintiff. Hence, matter being more than **06 years** old granting suo-moto adjournment would not be in interest of justice. Hence in the interest of justice following order is passed.

**ORDER**

- ◆ Present suit is dismissed for default under Order-9 Rule-3 of C.P.C.
- ◆ Any order passed in favour of the plaintiff stand vacated.
- ◆ No order as to cost.

Date : 04/08/2026

(ARUN J. VASU)

Place : Petlad

Additional Senior Civil Judge,

Petlad

CODE : GJ01397