

Regular Civil Suit No- 72/2018

ORDER BELOW EXHIBIT NO. - 01

Today the matter is called out and no one party is present before the court. Though sufficient opportunity has been afforded but the plaintiff has not cooperated by providing relevant application etc as per requirement at particular point of time and for that reason the matter can not be proceeded further. Today the Ld. Advocate on behalf of plaintiff is also not present before this court. Today no any other applicatoin under the law has been moved before this court for any purpose. Therefore at this juncture when the plaintiff has not cooperated with the court proceeding pending before the court, then the ratio laid down in the judgment of Rama Rao Vs. Shantibai passed by the Hon'ble Larger Bench, reported in AIR 1977 MP 222, become relevant; in which Hon'ble High Court of Madhya Pradesh while interpreting Order 17 Rule 2 has held that where the party or his pleader do not take part in the proceedings, either present or absent on the day of proceeding it cannot be said to have been appeared. Considering aforesaid ratio, it can safely be said that the plaintiff has remained absent in the proceedings, and therefore, the suit is liable to be dismissed for default. Hence, I pass the following order:-

ORDER

1- The suit of the plaintiff is hereby dismissed for default.

2- No order as to costs.

Date-06-02-2024

Place- Petlad

(Kalpesh Thavardas Gurnani)

Add. Sr. civil Judge, petlad

UIC No. GJ01226