

Order below Exh.1 :-

1. In the present suit, issues are framed [dtd.07-03-2019]. Thereafter, 14-03-19, 04-04-19, 11-04-19, 25-04-19, 27-05-2019 dates have been accorded, but no any date the plaintiff or his Ld.Adv. remained present, which can be clearly seen from the document. Even for the last two times, Presiding Officer is on leave, the plaintiff could have adduced his evidence positively, if he would have adduced the same.
2. Today also, same position is there neither plaintiff nor the deft. are present, even their Ld.Advs. are also not present. It seems that nobody has interest in the present matter. Thus, no evidence is adduced by the plaintiff till today, the matter is itself to be dismissed. But, this Court has given ample opportunities to the parties, but they miserably failed.
3. Thus, looking to the facts & circumstances of the case, no party has adduced any evidence. As per O.9, r-3 of the Code of Civil Procedure, 1908 (in short "Code"), on failure of presence of parties on for hearing, the suit shall be dismissed.

Order 9, r-3 of the Code is reproduced as under :-

O.9, r-3. Where neither party appears, suit to be dismissed. .-
Where neither party appears when the suit is called on for hearing, the Court may make an order that the suit be dismissed.

4. Hence, no care seems to be taken by the parties even after according full & complete opportunities. Therefore, it appears to this Court that the parties are not interested to try his suit. Hence, there is no alternative except to dismiss the suit under this provision. In these circumstances, this Court passes the following final order in the larger interest of justice :

ORDER

The suit of the plaintiffs is hereby ordered to be dismissed u/O.9, r-3 of the Code, with no order as to costs.

Pronounced in the Open Court today.

Bodali
Dt.26-06-2019

(P.K. Khanchandani)
Principal Sr. Civil Judge,
Bodali, Code No.GJ00806