

ORDER BELOW EX-1

IN SP.C.S No.11/2015

- 1) The present suit has been filed by the plaintiff against the defendant to cancel sale deed and injunction.
- 2) Upon service of summons, the defendant has appeared and filed his written statement vide Exh. 28 dated 06.11.2015. Then the Court framed the issues vide Exh. 56 dated 30.11.2017 then after the matter is at the stage of plaintiff's evidence since 21.03.2023 wherein, the court granted the adjournment application of the plaintiff vide Exh. 82, dated 21.03.2023 Exh.83, dated 13.04.2023 and Exh.84, dated 06.06.2023 though the plaintiff is not remaining present and failed to produce evidence. Thus after giving ample opportunities to the plaintiff, the plaintiff has not remained present and failed to adduce evidence.
- 3) Therefore, from the conduct of the plaintiff, it transpires that the plaintiffs have failed to appear and to proceed further with the matter though the ample time has been given to them. It is to be noted that the suit is old more than 08 years as the plaintiffs have failed to produce their evidence, these facts reveal that the plaintiff is not interested to proceed with the matter. In absence of plaintiff, it cannot be proceeded further. In view of facts and circumstances, I pass the following order in the interest of justice.

: ORDER :

The present suit of the plaintiff is hereby ordered to be dismissed for default.

Pronounced in open Court, today on this 4th day of September, 2023.

Date : 04/09/2023

Dahod

(Nimisha Gangarambhai Surati)
Principal Senior Civil Judge, Dahod.
(GJ-00711)