

Order Below Ex. 1

1. The present suit has been pending for hearing of the injunction application since 22/12/2025. However, neither the learned advocate for the plaintiff nor the plaintiff himself has remained present before this Court on the scheduled dates of hearing. No request for adjournment has been made on their behalf.
2. Upon perusal of the record, it appears that at the time of institution of the suit, the plaintiff was keen to proceed with the matter and had filed an application on the very date of institution seeking appointment of a Court Commissioner for drawing a panchnama of the suit property. The said application was allowed by this Court and the panchnama was duly carried out within the stipulated period.
3. Thereafter, upon appearance of the defendant and filing of the written statement, the matter was posted for hearing of the injunction application filed along with the plaint. However, since then, neither the plaintiff nor his learned advocate has remained present before this Court to prosecute the matter.
4. This Court had issued notice to the plaintiff to secure his presence. However, **the bailiff has reported that the plaintiff refused to accept the notice stating that he does not wish to proceed further with the present suit**. The said endorsement of the bailiff is recorded on the backside of the notice produced at Exh. 16.

5. Even today, when the matter was called out, neither the learned advocate for the plaintiff nor the plaintiff himself remained present, nor has any application seeking adjournment been filed. No steps have been taken to proceed further with the suit. From the conduct of the plaintiff and the endorsement made by the bailiff, it clearly appears that the plaintiff is no longer interested in prosecuting the present suit.
6. It is well settled that a litigant who approaches the Court must prosecute the proceedings with due diligence. Institution of proceedings without pursuing them not only causes unnecessary harassment to the contesting party but also results in wastage of valuable judicial time.
7. In this regard, the **Hon'ble Supreme Court in Salem Advocate Bar Association v. Union of India (2005) 6 SCC 344** has observed that the amendments to the Code of Civil Procedure were intended to ensure expeditious disposal of civil cases and to discourage dilatory tactics. The Court emphasized that realistic costs should be imposed in appropriate cases to prevent abuse of the process of law and to protect the effective administration of justice.
8. In view of the above circumstances, this Court is of the opinion that the plaintiff has failed to prosecute the suit diligently and has abandoned the proceedings. Hence, the suit deserves to be dismissed for default with appropriate costs. Accordingly, the following order is passed:

-:: Order ::-

- (a) The suit filed by the plaintiff is hereby **dismissed for default** under **Order XVII Rule 2 read with Order IX Rule 8** of the **Code of Civil Procedure, 1908**.
- (b) The plaintiff shall pay **exemplary costs of Rs. 10,000/- (Rupees Ten Thousand only)** to the **District Legal Services Authority, Devbhumi Dwarka, Khambhaliya**, for causing unnecessary wastage of valuable judicial time.
- (c) The plaintiff shall deposit the aforesaid costs before the **District Legal Services Authority, Devbhumi Dwarka, Khambhaliya**, within **30 days** from the date of this order.
- (d) The Registry shall forthwith communicate this order to the plaintiff.
- (e) In the event of failure, the **Registry shall initiate appropriate recovery proceedings in accordance with law for recovery of the said amount from the plaintiff, including by way of execution against his movable and/or immovable properties**, and ensure that the amount is remitted to the **District Legal Services Authority, Devbhumi Dwarka, Khambhaliya**.
- (f) All pending applications, if any, stand disposed of accordingly.

Pronounced in the open court on March 12, 2026.

Place: Kalyanpur.

Date : 12/03/2026

**(Alpa Prabhudas Kadiwar)
Principal Civil Judge,
Kalyanpur.
(Judge Code: GJ-01554)**