

Order Below Exh.1 in
Regular Civil Suit No.125/2014

[1] Today, the present suit was called out thrice till 16.30 Hours but neither the plaintiff nor the learned advocate for the plaintiff remains present, nor moved any application.

[2] Further, on perusal of record, it transpires that the present suit was filed by the plaintiff on dtd 01.09.2014 for declaration and perpetual injunction. Notice issued against the defendants. Defendant No.1 & 2 have filed joint written statement vide Exh.20. Defendant No.3 has filed written statement vide Exh.21 and issues were framed vide Exh.41. Thereafter, matter was proceeded for the production of evidence by the plaintiff on 08.01.2020. It transpires from the record that neither the plaintiff nor the learned advocate for the plaintiffs had been taken care to produce evidence or moved any application. Therefore, it transpires

that the plaintiff as well as learned advocate for the plaintiff were negligent about the present suit. Then also, it appears that at relevant point of time in larger interest of justice my learned predecessor adjourned the present suit on hand and rolled out the present suit for the similar stage to produce evidence by the plaintiffs side but at never point of time either the plaintiff or learned advocate for the plaintiff produce evidence. As discussed, today also when the matter was called out thrice but neither the plaintiff nor the learned advocate for the plaintiff remains present nor moved any application. Further, as discussed the suit was adjourned time and again for production of evidence by the plaintiff side but as discussed since long neither the plaintiff nor the learned advocate for the plaintiff remains present. It clearly and ostensibly transpires that the plaintiff has not shown any interest to proceed with the present suit and also

transpires that the plaintiff is gross negligent about its own case. Therefore, considering the above facts and circumstances and discussion as held above, I don't think so fit to roll out the present suit furthermore on the board; hence due to non-appearance of plaintiff and his learned advocate since long, in the larger interest of justice, I pass following order as follows:

O R D E R

- 1) The present suit of the plaintiff is hereby ordered to be disposed off as dismissed.
- 2) No order as to cost.

Signed and pronounced in the open court today on 21st day of December, 2022.

Place: Kalol

Date:21/12/2022

[P. H. Singh]

CODE NO.GJ00746

Principal Senior Civil Judge,
Kalol, Dist:Gandhinagar

/pbshah/