

Regular Civil Suit No. 57/2026

Order below Exhibit-1

1. The present suit has been instituted by the plaintiff for recovery of money on 10.06.2026. Thereafter, summon came to be issued to the defendant **vide Exh.5** on 10.06.2026. The said summons was returned unserved with the endorsement of the Bailiff that the defendant was not residing at the address mentioned in the summon and, therefore, the summons could not be served upon the defendant. Thereafter, the learned advocate for the plaintiff submitted applications **vide Exh.6 to Exh.10** seeking permission to place the fresh address of the defendant on record. However, despite sufficient opportunity having been granted, the plaintiff has failed to furnish or file the correct and complete address of the defendant till date.

2. In view of the provisions of Order IX Rule 5 of the Code of Civil Procedure, 1908, where a summons is returned unserved and the plaintiff fails, within the prescribed period, to apply for a fresh summons after supplying the requisite address of the defendant, the suit is liable to be dismissed. In the present case, the plaintiff has failed to take necessary steps for service of summons upon the defendant and has not furnished the correct address despite repeated opportunities. Therefore, there is no justification for keeping the suit pending. The record clearly indicates a persistent lack of interest and gross negligence on the part of the Plaintiff in prosecuting the matter. Consequently, in view of the non-compliance with the requirement of furnishing the correct address

and taking necessary steps for service of summons upon the defendant the following below order is passed.

-:ORDER:-

- The present suit is hereby **dismissed for default** under the provisions of Order IX Rule 5 of the Code of Civil Procedure, 1908.

Date : 09/09/2026

Jaiveer Singh Rathore
Principal Civil Judge,
GirGadhadha