

Regular Civil Appeal No.108 of 2021**Order Below Exh.1**

- (1) The present Regular Civil Appeal filed by the appellant under Order 96 of Code of Civil Procedure aggrieved by judgment and decree passed by the Ld. Additional Civil Judge, Nadiad in Regular Civil Suit No. 269/2012 dated 19.01.2021.
- (2) My Ld. Predecessor Judge passed order below Exh. 1 to issue notice to the respondent/opponent returnable on 22.12.2021, notices are duly served to the respondent.
- (3) The present appeal is pending for final hearing since long time, but neither appellant nor his Ld. Advocate appeared for hearing.
- (4) Under Order 41 Rule 17 of the Code of Civil Procedure provides that if the appellant does not appear, when the appeal is called for hearing the Court has discretionary power to dismiss the appeal. In such a situation in the present case, the appellant filed the present appeal on 24.11.2021. Thereafter, since long time neither appellant nor his Ld. Advocate remain present before this Court for hearing. Hence, looking to the facts and circumstances of the present appeal, it appears that appellant does not want to proceed in the present appeal. Hence, the present appeal is hereby dismissed for want of prosecution in absence of appellant and his learned advocate.

Signed and Pronounced in open Court today, on this 09th
Day of July, 2026.

Date: 09/07/2026
Place: Nadiad

(Rameshwar Jitendrabhai Mirani)
5th Addl. District Judge,
Kheda at, Nadiad.
GJ00749