

ORDER BELOW EXHIBIT-01

1. The present suit has been filed by the Plaintiff on 08-03-2022 for declaration and permanent injunction against the Defendants. For a very long time the Plaintiff and his advocate have defaulted in securing presence before this court. Even there is no application for adjournment from either side of the suit. This court has granted sufficient opportunities to the Plaintiff to proceed with the matter after issues were framed. The Learned Advocate who was engaged by the Plaintiff at the time of institution had filed an objection below Exhibit-33 as to engaging fresh advocate by the Plaintiff. The Plaintiff, on the other hand had filed a petition stating Discharge of earlier advocate and fresh Vakalatpatra was filed by the Plaintiff side on 13-12-2023 along with adjournment application which was duly granted on the condition to pay cost. The Plaintiff has not paid the cost on 13-12-2023 nor has paid it till today. After various adjournments, the Plaintiff, his Pleader has neither remained present, nor paid cost or has even not adduced evidence till today. Records indicate that for a long time in spite of opportunities being given, evidence is not produced. Even no efforts to proceed with matters has been made and earlier sufficient adjournments have been granted.

2. Even today, on calling out thrice, neither the party nor his pleader has remained present. There appears no reason or prospect to keep this matter pending at the same stage for an indefinite period of time when this court believes that the Plaintiff has lost the interest from the case.

Hence, following order is passed in the interest of justice:

ORDER

(1) The suit is hereby dismissed for default.

(2) No order as to costs.

Order signed and pronounced in open court today.

DATE: 30-01-2024

PLACE: NADIAD

**MS. PREETI SAGAR
3RD ADDL. CIVIL JUDGE
NADIAD, KHEDA
JUDGE CODE: GJ01674**