

:: Order Below Exhibit 1 ::

1. Perused record of the Court. Present suit has been filed by the Plaintiff for recovery of money and after the filling of the suit notice / summons was issued to the plaintiff which was returned unserved vide Exh 6. Since than plaintiff has not appeared before this Court. Till today notice / summons has not been served to the defendant and pliantiff has not applied for the re issuance of summons or any other process. In the case on hand Plaintiff has not appeared since long. Several adjournments had been granted to the Plaintiff even in their absence and than also neither the Plaintiff nor his Ld. Advocate has appeared before this Court. Today also this matter was on the hearing board and today also neither the Plaintiff nor his Ld. Advoaacte has appeared before this Court.
2. On perusal of the record of the Court and especially Rojnama, it appears to me that Plaintiff has not proceeded with the matter even after reasonable opportunities has been provided by the Court. This shows that the Plaintiff is not interested to proceed further with the matter.
3. By perusal of the legal position order IX Rule 3 of the Code of Civil Procedure provides that, "Where neither party appears when the suit is called on for hearing, the Court may make an order that the suit be dismissed." Said legal provision provides discretion to the Court that Court may or may not dismiss the suit. When any legal provision provides discretion to the Court than in that circumstances Court has to examine all the materials on record and after due care and caution Court shall pass reasonable order.
4. Considering the above mentioned facts reasonable opportunities provided to the Plaintiff than also Plaintiff has not appeared before the Court and this shows his negligence and therefore According to me it is proper to use my discretion against the Plaintiff and therefore I pass following order.

:: ORDER ::

- The Suit is hereby Dismissed for Default as per Order IX Rule 3.
- No order as to Cost.

Order declared in open court on 23rd day of August, 2022

Date : 23 /08 /2022.

Tushar Hansraj Punjabi
Addl. Sr. Civil Judge,
Santrampur,
Dist - Mahisagar
GJ01076