

: - ORDER BELOW EXH. 15 IN SMST R/22/2022 - :

The plaintiff has filed the present application under Order 37, Rule (2) (3) of Civil Procedure Code to pass decree in favour of plaintiff as defendant no. 1 has not filed his appearance within 10 days from service of summons.

On perusal of record of the present suit, my predecessor has issued summons against the defendant vide order below Exh. 1. The copy of the said summons is produced at Exh. 7. On perusal of the same the said summons was not summons for appearance and it was a simple summons requiring the defendant to appear before the court on 14/10/2022 under the provision of Section 151 of C. P. C. Therefore, considering the same as the summons for appearance under Order 37 has not been served upon defendant no. 1. The present application is required to be rejected.

Date :02.11.2023

Place : M o r b i.

(Jyoti Veerat Buddha)

3rd Additional Senior Civil Judge
Morbi. (U. I. C. No. GJ-01179)

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