

Regular Civil Appeal No. 18 of 2019

Order below Exh. 1

1. This appeal is Registered as the delay of Jilla Panchayat, Junagadh No.21/18, Delay is allowed by adj on 16/03/2019. Looking to record and proceedings of the present appeal, it seems that so many adjournments have been granted but the Appellants are not interested with the proceeding of this matter.

Thus, Neither Appellant nor advocate remain present in this Appeal and original suit is allowed by the ld. sr. civil judge on 15/09/2017.

2. Looking to the record of this Appeal even this appellate court called the R & P of the auit on 22/12/22 as per the vide Outward No.1007/2022.
3. That Jilla Panchayat, Junagadh Stay Application Ex.4 under Order 41, Rule 5 was rejected by Ld.Judge Shree S. B. Mansuri on 15/07/2021 and no appeal or revision against this order by the Appellant.
4. Today, neither appellant nor his advocate is present before this Court. hence, Here, I would like to go through the provisions of Order 41, Rule 17 of C. P. C. which provides as under-

17. Dismissal of appeal for appellant's default.-(1)

Where on the day fixed, or on any other day to which he hearing may be adjourned, the appellant does not

appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed.

5. Thus, here in this case, the appellant has no interest to proceed with the appeal. Hence, in view of above discussion, this appeal is dismissed for default as provided under Order 41, Rule 17 of C.P.C.
6. No order as to cost.
7. R. & P. of the Trial Court along with the copy of this order be sent back to the concerned Trial Court immediately. Today the Respondent advocate is present.

Signed and pronounced in open Court today on 3rd October-2024.

Date: 03/10/2024 (KADARKHAN ABDULRAUF PATHAN)
Place: Porbandar (GJ00347)
Additional District & Sessions Judge,
Porbandar.