

GJPM040026952023



**Order Below Exh.1 and Exh.9 in R.C.S. No.73 of 2023**

Today on dt.15.06.2024 this matter is called out thrice till 05.00 p.m., but neither the learned advocate for the plaintiff nor the plaintiff remained present. Mr. N. L. Varia, Ld. Advocate for the defendant No.2 has appeared before the Court and submitted pursis at Exh.9 stating that plaintiff or Ld. Advocate for the plaintiff are not remaining present before the Court to adduce evidence hence, prayed to dismiss the suit for default. Therefore, though the sufficient and reasonable opportunities have been given to the plaintiff, but the plaintiff has failed to remain present and he has also failed to adduce evidence. Today also as discussed when matter is called out time and again till 05.00 p.m., but neither the learned Advocate of the plaintiff nor the plaintiff remained present nor they have filed any adjournment application before the Court. As per the provisions envisaged under Order XVII Rule 2 of the Code of Civil Procedure, where on any day to which the hearing of the suit is adjourned, the parties or any of them fail to appear, the Court may proceed to dispose of the suit in one of the modes directed in that behalf by Order IX or make such other order as it thinks fit. Therefore, considering provisions of Order XVII Rule 2 of the Code of Civil Procedure read with Order IX and due to carelessness and negligent act on the part of the plaintiff, I don't find any sufficient reason to roll out the plaint furthermore on

the board. Hence, the present plaint is dismissed for default. No order as to costs.

Signed and pronounced in open Court on this 15<sup>th</sup> day of June, 2024.

Date : 15.06.2024  
Place: Halol

(Chetna Jayantilal Patel)  
Additional Senior Civil Judge,  
Halol, Dist.Panchmahal  
(Code No.GJ01056)