

GJVD050006642018



Sp.C.S. No. 22/2018

**:Order Below Ex.\_\_\_\_ :**

- (1) Perused the Sick Note of the Ld. Advocate for the Plaintiff Side. Perused the record and proceedings of the suit. The present sick note is filed by the Ld. Advocate for the plaintiff without any Medical Certificate appended to it. This Court, generally does not passes any speaking order and this court, generally exhibits and records, the sick note of the Ld. Advocate for the parties. However this suit is somehow not a general and routine in nature. This Court is also of the opinion that when plaintiff himself had approached up to the Hon'ble Supreme Court and Hon'ble Supreme Court was pleased to issue a direction to dispose off the suit within 1 year from the receipt of the certified copy of the order. It is always duty of the plaintiff to proceeds with the suit as expeditiously as possible.
- (2) In the month of July, this Court has received the certified copy of the Order of the Hon'ble Supreme Court. After

receipt of the order, 2 months has been elapsed. Considering the proceedings, this Court is constrained to observe that there is no progress till today on the part of the plaintiff apart from filing interlocutory applications. To put it in other words. The suit is rested on the plaintiff's evidence and plaintiff has not produced any evidence, even by way of producing documentary list. The plaintiff earlier filed an application to recast the issues. Today, the plaintiff filed an application for discovery of documents. Apart from these applications, the plaintiff has not fruitfully carried out the proceedings of the suit.

- (3) When sick note is again and again provided by the Ld. Advocate for the plaintiff, this Court believes that in a suit which requires to be disposed off by virtue of directions issued by the Hon'ble Supreme Court, sick note must be supported by the Medical Certificate. Same is not produced and hence, this court is of the opinion that for this particular case, sick note is requires to be recorded with cost which ultimately is nothing but the teeth in the order of the Hon'ble Supreme Court.

- (4) When Higher Court of the County has passed the direction to carry out proceeding of the suit in a particular time bound manner, every Advocate and parties of the suit are expected to honour the order of the Hon'ble Supreme Court. On failure of the same, to upheld the honour of the order of the Hon'ble Supreme Court, even on any sick note, this Court can impose the cost.
- (5) That's why, this Court has started its order by speaking that this suit not a general and routine suit in which sick note can be regularly recorded and matter can be adjourned. Hence, the present sick note is hereby recorded with cost of Rs.5,000/- (Rupees Ten Thousands Only) to be paid with T.L.S.A., Savli henceforth. On failure of the same, the suit of the plaintiff will be dismissed and counter claim will be proceeded further.

**Order signed & pronounced on 23<sup>rd</sup> September, 2024.**

Place :- Savli

Date :- 23/09/2024

**(Vikram Karsanbhai Solanki)**  
Principal Senior Civil Judge  
Savli, Dist: Vadodara  
Judge Code No.:-GJ-01099