



Received on : 07/03/2015

Registered on : 07/03/2015

Decided on : 25/06/2025

Duration : 10 years 03 Months 19 day

In the Court of Principal Civil Judge, Vaghodia, Vadodara.

R.C.S- 18/2015

Petitioner:

Late Bharward Vitthalbhai Govindbhai,
Through its Legal Hiers Bharwad simabhai
Vithabhai & 2 others Legal Heirs

VS.

Defendant:

Late Kshiben Nanabhai Patel,
Through its Legal Hiers Harshadbhai
ravjibhai Patel & 5 other

For Petitioner Advocate: P.N.Patel

For Defendant:- G.R.Baria, & P.R.Shah

Order Under Exb 1

1. Hear , Read, Perused. Have gone through the record and the plaint. Having going through it; it was profound that when the Suit was instituted and defendants appeared in the suit and thereafter they had filled the WS and and thereafter issues were framed & again recasted on on 08/01/2025. vide Exb 66 order. Thereafter matter went on the stage of the Evidence of the plaintiff. However plaintiff had filled the puris that he has submitted the Plaintiff's evidence earlier however after that WS was filled by the Defendant and he has given the Affidavit evidence of the plaintiff

earlier and now he wants to make the ammendments in it and thus sought time to do so vide Exb 67 application on 25/03/2025.

2. Thus from 03/04/2025, 10/04/2025, 5/5/2025 Plaintiff didn't remained present or choose to lead the evidence in the court nor have presented the either personally or through its advocate nor there was any application of anything sort of like that. It has to be seen that after 3 dates have passed and plaintiff remained absent; the stage was on evidence of the Plaintiff. it would be worthy to mention here that Issues were recasted on 08/01/2025 and thereafter 5 dates have passed and plaintiff have not lead the new lead evidence or amended Plaintiff evidence or new Evidence or even failed to remained present in it and his advocate has also not come in court after 25/03/2025 and today is the 4th date.
3. Plaintiff have failed to remain present personally in the court and nor his advocate is present to seek the time to lead the evidence from that time and is last application was on date 25/03/2025 and he was given opportunity to lead evidence but he didn't . Since Plaintiff have failed to remain present in the court and to lead the evidence in the suit but today also he is not present nor he lead any evidence as plaintiff is also absent and nor there is any application also of anything sort of even upon calling his name 4 times; at 10:45 AM, 1:30 PM, 3:00 PM & 5:00 PM. It prima facie gives out that plaintiff is not interested in pursuing the suit and nor it wishes to lead the evidence.
4. Also the very fact that the matter is more than 10 year old and in the TARGETED case list of this court and shows as the Critically old case and even the evidence in the matter has not yet began.

5. Thus looking over the fact that Plaintiff or its advocate are not present nor there is any application on the record and which gives that plaintiff is not interested in leading the matter and thus matter is Dismissed in default in the absence of the plaintiff and not leading the evidence
6. Pronounced in the open court today on 25/06/2025.

Vikas Seoul
Principal Civil Judge,
Vaghodia, Vadodara.
Unique ID No.-GJ 01357