

ORDER BELOW EX. 1 IN Spl. C. S. NO. 215/2011

Read the plaint.

Heard the learned advocate of plaintiff.

The suit is of the year 2011. This Court has decided Ex.5 on Dtd.30-7-2018 with the instruction of "Parties are directed to produce his whole evidence within three months from the date of this order and in failure to do so the adverse inference will be drawn against the person defaulted." That's mean that both the parties have to complete whole the evidence within 90 days. But in the case plaintiff is not willing to start evidence after lapse of 66 days. Therefore, it is cleared that he is not come to the court for justice. The motive is something else. I am also aware that directive orders can be relaxed due to extra ordinary circumstances. But plaintiff is not in the position to show any kind of extra ordinary circumstances. Thus, his motive is cleared from non appearing on the Dt.20-8-18, 17-9-18, 24-9-18. Thus, there is no option other than to pass following order.

ORDER

Suit is dismissed with costs under Order 9 rule 3.

Pronounced today this 4th day of October, 2018 in open court.

Date : 4-10-2018.

Place : Surat.

(Shilpa M. Kanabar)
6th Additional Senior Civil Judge,
Surat Code No.GJ00814