

Special Civil Suit No.243 of 2019

:: Order below Ex. 1 ::

1. Present suit is filed by the plaintiff in the year 2019. From the record it appears that the Ld.Adovocate for plaintiff Mr.N.J.Shah has already sent notice to the plaintiffs by RPAD informing him that he is relieving from the matter as he is not contacting him, inspite of this he is not coming to the court, the plaintiff has also taken away his file from the ld.Advocate. Further, the Ld.Advocate Mr.N.J.Shah has also resigned by passing a pursis **Exh.-13** alongwith a list of documents **Exh.-14** with a documents mark-14/1 Original Acknowledgement slip of RPAD which shows that notice to the plaintiff has already been served, mark-14/2 copy of notice informing him that as he is not coming he is going to resign from the matter, inspite of that, the plaintiffs have not contacted the Ld.Advocate. From the record, it also appears that this matter is on the stage of producing evidence from the plaitiff's side and they are not producing evidences even after getting sufficient opportunities for the same.
2. From all these facts and circumstances of the matter, it appears that the plaintiffs have no interest to proceed further in the matter and so they are not contacting the Ld.Advocate though the notice has alredy been serve to them, and also they are not remaining present before the court. Matter is of the year 2019, more than sufficient opportunities are afforded, hence, considering the above facts and circumstances of the present matter along with the provisions of Order-9 Rule-3 readwith Order-17 Rule-2 of the Code of Civil

Procedure, present suit requires to be dismissed and hence, following order is passed in the interest of justice.

:: Order ::

- Present suit of the plaintiffs is hereby dismissed for default of the plaintiffs under Order-9 Rule-3 read with Order-17 Rule-2 of the Civil Procedure Code.
- No order as to costs.
- Interim relief / status quo granted earlier if any, is hereby vacated.

Pronounced in the open Court today on this 29th day of September, 2022.

(Ms.KUSUM DALPATBHAI PARMAR)
16th Addl. Sr.Civil Judge, Vadodara
Code No. GJ01016