

Special Civil Suit 20-2014**ORDER PASSED BELOW EXHIBIT - 49**

1. The Plaintiff has filed this suit against the defendant for seeking Partition, Declaration and Permenant Injunction on dated 07-01-2014 in the Court of Ld. Principal Senior Civil Judge, Surat, and it was registered as **Special Civil Suit 20-2014**

2. The Plaintiff and his Ld. Advocate are bound to proceed with the matter in accordance with law without any delay. Earlier matter was adjourned in the interest of Justice, but the Plaintiff did not turned up to proceed with the suit since long time, Neither Plaintiff nor his Ld. Advocate are appearing and it seems that Plaintiff is not interested in continuing the proceeding of this Suit and therefore none on behalf of Plaintiff appears before the Court.

3. Today neither the Plaintiff had appeared nor his Ld. Advocate had remained present and even no application seeking adjournment is filed. In short, none is present on behalf of Plaintiff today. The Court waited till rising of the Court, but none on behalf of Plaintiff has not turned up. After perusing the entire rojkam of the case it reflected that Plaintiff has not turned up for his case/

Hence this Suit deserves to be dismissed for the reasons of non-appearing of the plaintiff and to proceed with Suit in accordance with law, when the Suit was called out.

5. Looking into provision under Code of Civil Procedure, 9 rule 5. In view of the order 9 rule 5 of CPC, this Court is empowered to dismiss suit where dismissal of suit where plaintiff after summons returned unserved, fail for seven days to apply for fresh summons.

4. Considering the facts & circumstances of the case on hand this Suit is deserved to be dismissed for default, as neither plaintiff nor his advocate present when the Suit is called out. Hence, I pass the following order.

:: ORDER ::

1. The Present Suit is hereby dismissed for default under Order-9 Rule-5 of Code of Civil Procedure.

2. No order as to costs.

Signed, pronounced and declared in open Court on this 19-10-2023

Surat
19-10-2023

(ARJUNSINH PRATAPSINH RANDHIR)
13th Additional Senior Civil Judge, Surat
Judge Code : GJ 01079