

SPECIAL CIVIL SUIT NO.456/2009**:: ORDER BELOW EXH. 1::**

1) When the matter was called out during the day parties and their Ld. Advocates remained absent. Looking to the Record and Proceeding it is found that issues were framed vide Exh. 44 on dated 30/10/2018. Then after plaintiff has filed adjournment applications vide Exh. 44 to 47 which were granted by this Court and then after in the interest of justice matter has been adjourned. Looking to the record it is found that last application had been filed by the plaintiff vide Exh. 47 on dated 26/11/2019 which was granted and then after matter was kept for the order of dismissed for default. Today when the matter was called out parties and their Ld. Advocates remained absent, no adjournment application was filed on behalf of plaintiff. The Hon'ble Apex Court has directed to dispose matters as early as possible which are more than 5 years old, but despite of granting ample opportunities to proceed with the matter, plaintiff failed to proceed with the matter. Under these circumstances, Court has no option except to dismiss this matter. Therefore, this suit is hereby dismissed for default as per Order 9, Rule 8 of the Civil Procedure Code due to absence of plaintiff. With this order all pending applications of this suit if any, is also hereby disposed of.

2) No order as to costs.

Signed and pronounced in the open Court today i.e., on 15th day of January, 2020.

Date : 15.01.2020
Place : Ahmedabad

[B. R. Vaghela]
[U.I.C. No. GJ00093]
3rd Addl Senior Civil Judge
Ahmedabad (Rural) at Mirzapur.