

12.12.2022

E.N. advocate is absent. The plaintiff/PW1 is absent and not appearance to face cross examination and also to lead further evidence. Without noticing this fact, on 14.07.2022, this court has passed on order that plaintiff side is closed. Actually on that day suit ought to have been dismissed.

Today, the defendant No.6 is present and filed IA No.16 under order 9 Rule 7 of CPC to set aside order pleading him exparte. In my opinion, in view of non appearance of the plaintiff, suit does not survive for consideration under the circumstance IA No.16 does not survive for consideration. Accordingly IA No. 16 is disposed of and suit is dismissed for non prosecution.

Senior Civil Judge and JMFC.,
Soraba.

