

Order below Exh.1.

1..The present suit is filed by the plaintiff to recover the outstanding amount from the defendant by way of filing the present suit in the year 2018.The summons was duly serve upon the defendants, but the defendant failed to appear,however upon the notice the endorsement of the death of the defendant were made since then the matter is kept for bringing the legal heirs of the defendant.Unfortunately the plaintiff fails to bring the list of the legal heirs till today.

2..Enough opportunity is given to the plaintiff to bring the legal heirs however plainitff has not taken this oppotunity in a serious manner and therefore I am of the view that as far as the negligency on part of the plaintiff is to be seen then the suit is required to be dismiss for want of the prosecution and default.I would also like to refer the relevant material that is the lettter written by the Ld.Advocate of the plaintiff to the Plaintiff to bring name of the legal heirs however at that time also the plainitff has not taken that letter in true sense and wasted the precious time of this court and therefore when it seems that the litigants are lazy to proceed the suit and hence the same is should be dismiss for default.

3..Today when the matter is called for through out a day,Ld.Advocate of the plainitff is present with the letter written to the plainitff in that regard.Even today the plaintiff has not provided the details of the deceased of the defendant which shows the complete lapse on part of the plaintiff and lazy approach to prosecute their case further and hence compel this court to dismiss the suit for want of prosecution and the default and accordingly the following order is pass.

Order

The plaintiff present suit is hereby dismiss for want of prosecution and default.

The plaintiff shall bear the cost of this suit.

Any interim order if passed stands vacated.

Pronounce in open court today on 10th February, 2020.

Place : Dhrangadhra

(Janmejaya Dushyantbhai Padhya)

Date : 10/02/2020

**Addl. Civil Judge and J.M.F.C
Dhrangadhra
(GJ 01068)**