

R.C.S.No.97/2010

Tanaji vs. Sileman

ORDER BELOW EXH.1

This is the suit for perpetual injunction.

2. The plaint was presented on 11-6-2010. Defendant nos.1, 2 and 4 have filed written statement below Exh.17 on 28-6-2010. The defendant no.3 though served with summons, failed to appear. Therefore, by virtue of order dated 5-7-2010 the suit proceeded without her written statement. Since then the suit pending for hearing on Exh.5. During pendency of the suit the defendant no.1 is reported to be dead. His L.Rs. were impleaded in the suit. On 22-1-2014 summons were issued to defendant nos.1A to 1D. However, the defendant no.1 (d) is not yet served. The record reflects that summons Exh.45 as well as R.P.A.D. notice returned unserved for the reason that the defendant no.1(d) left the said address. The report was received on 5-9-2015. The record reflects that the plaintiff did not take appropriate steps and therefore, summons cannot be served to the defendant no.1(d). The plaintiff is absent today. Neither adjournment nor exemption is sought. Hence, the suit is dismissed vide R.3 of O.9 of the C.P.C.

Date-11-12-2015

(S.B.Kale)
2nd Jt.C.J.J.D.Gadhinglaj.