

MHLA110007422018



Order below Exh.1 in RCS No.177/2016

Madhav & Ors. Vs. Sushilabai

Parties remained absent when repeatedly called till 1.10 pm. Learned advocate for both the parties are present. Learned advocate for plaintiffs has submitted no instruction pursis at **Exh.57** alongwith the photocopy of letter issued by him to plaintiffs at list below **Exh.58/1**. From the contents of pursis at **Exh.57**, it seems that plaintiffs are not providing any information to their counsel. Record shows that the adjournment application filed by plaintiffs at **Exh.55** on 01/01/2022 was allowed by my learned predecessor and the ground for the adjournment was that the plaintiffs are ill. The adjournment application filed by plaintiffs at **Exh.56** on 30/06/2022 was allowed as last and final chance to both the parties. In this application the ground for adjournment was that the younger brother of plaintiff has died. The grounds stated in the both the applications at **Exh.55** and **Exh.56** clearly shows that the plaintiffs were in touch with their counsel. It seems that plaintiffs are prolonging the matter for the reasons best known to them. The suit is pending since year 2016 i.e. from last more than five years. *Hon'ble Bombay High Court has time and again directed to dispose of matters pending for more than five and ten years on priority basis.* For these reasons, I find no reason to keep the matter pending and I pass following order:-

ORDER

1. The suit is dismissed under Order IX Rule 3 C.P.C.
2. Interim order, if any, stands vacated.

Order dictated and pronounced in open court.

Date : 20/08/2022

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.