

MHLA170005702023



ORDER BELOW EXH.01 IN RCS NO.348/2023
(Old RCS No.162/2018)
Ashok Chilme Vs. Harishchandra Chilme and others.
(Decided on the Day of 22nd June, 2024)

Today plaintiff and his learned counsel are found absent, though called out repeatedly. The suit is on the stage of cross-examination of plaintiff. After setting-aside evidence close order passed against him, the plaintiff has filed his affidavit of examination-in-chief (Exh.66) on 10.06.2024. The Honourable Supreme Court of India has directed this Court to expeditiously decide this suit alongwith suit bearing RCS No.367/2023 (Old RCS No.549/2018), L.A.R.No.133/2019 and L.A.R No.134/2019 and to make endeavour to adjudicate the same within one year from the date of receipt of a copy of the order. The record further reveals that, the plaintiff and his learned counsel were absent since 16.06.2023. The learned counsel for plaintiff appeared before the Court on 26.04.2024. He has filed application (Exh.64) for setting-aside evidence close order. The learned counsel for plaintiff also appeared on 10.06.2024 and “no evidence” order was set-aside subject to cost of Rs.500/-. Thereafter, on 14.06.2024 plaintiff and his learned counsel were again found absent.

In view of directions of the Honourable Supreme Court the suit was to be decide within time limit prescribed by

the Honourable Supreme Court of India. Therefore, the matter was preponed on 18.06.2024 and plaintiff was informed about the same, thereafter, the plaintiff appeared before the Court. The learned counsel for plaintiff failed to appear before the Court on 18.06.2024. On oral request of the plaintiff the suit is kept today for his cross-examination. Still the plaintiff and his learned counsel failed to appear before the Court when called out repeatedly. The conduct of the plaintiff reveals that, he is not interested to proceed with the suit, though it is directed by the Honourable Supreme Court to decide the suit within one year. Already the time limit is over. Hence, this suit is liable to be dismissed in default alongwith suit bearing R.C.S. No. 367/2023 (Old R.C.S.No.549/2018) and L.A.R.No.133/2019, L.A.R.No.134/2019 are liable to be disposed of accordingly due to absence of plaintiff at the time of hearing in this suit, though sufficient opportunity is granted to the plaintiff on several dates. Hence, I pass following order:-

ORDER

1. The suit is dismissed in default vide Order IX Rule 3 of the Civil Procedure Code.
2. The suit bearing RCS No.367/2023 (old RCS No.549/2018) is dismissed.
3. L.A.R.No.133/2019 and L.A.R.No.134/2019 are disposed of.

Place:- Ausa.
Date :- 22/06/2024.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.