

MHNS280005352025



ORDER BELOW EXH.1 IN R.C.S. No.126/2017.

Plaintiffs and their advocate remained absent when called out repeatedly.

2. After perusal of roznama and record of the case it is evident that, plaintiffs have filed the instance suit for relief of declaration and perpetual injunction. After issuance of suit summons only defendant no.4 was served while defendants no.1 to 3 not served with suit summons. Plaintiffs were repeatedly directed to take necessary steps to secure the presence of these defendants. However, they failed to take necessary steps. Hence, my Ld. Predecessor on 10/12/2024 after passing ex-parte order against defendant no.4, kept the matter for dismissal against defendants no.1 to 3 for want of steps. Thereafter also plaintiffs failed to take necessary steps. Eventually on 18/11/2025 as per order passed below Exh.1 the suit was dismissed against defendants no.1 to 3 by virtue of Order IX Rule 3 of CPC. Thereafter it was posted for leading ex-parte evidence against remaining defendant no.4. However, plaintiffs also failed to lead their evidence in support of suit claim. Consequently on 09/01/2026 the suit was kept for dismissal. Thereafter also plaintiffs not appeared before court when

suit is called for ex-parte hearing. Suit is pending without any progress. It appears that the plaintiffs are not interested to proceed with it. Thus, having regard to conduct of the plaintiffs, no purpose will be served by keeping the matter lingering on the board. Hence, I pass following order-

ORDER

1. The suit is dismissed for want of prosecution as per Order IX Rule 3 of CPC.
2. The parties to bear their own costs.

Sinnar.

Date : 10/03/2026

(Sachin H.Khade)

Civil Judge Senior Division, Sinnar.