

**Order below Exh.1**

Perused the record and roznama of the case. The plaintiff has filed the present suit for perpetual injunction and declaration against the defendant. On 28/03/2012 preliminary issue as to jurisdiction was framed vide Exh. 28. Thereafter, the suit was fixed for hearing on the said issue. On the same date the defendant advanced his argument on the issue of jurisdiction. However, the plaintiff after giving sufficient opportunity, i.e. 10-12 dates, failed to remain present either in person or through advocate and to argue on the said issue. This shows that plaintiff is not interested to conduct the matter. Even on today neither plaintiff nor his advocate is present before Court. Therefore, in view of the provisions of Order IX Rules 8 of the Code of Civil Procedure, 1908, the suit is liable to be dismissed. Hence, the following Order:

**O R D E R**

1. The suit is dismissed in default.
2. No order as to cost.

Date :- 13/02/2013

Place:- Khed.

( Ashwini Kasture )  
Civil Judge Junior Division,  
KHED.