

MHSN080001502019



Order below Ex.1 in RCS 19/2019
Laxman Birajdar Ors Vs Rayappa Birajdar Ors

The suit is for a declaratory decree of the owner, and a decree of perpetual injunction.

2 Defendant 1 has contested the claim by filing his written statement below Exh.21. The LR's of the deceased plaintiffs have been brought on record vide order Exh.60/62. This Court has framed issues below Exh.113A on 16/11/2024. It is only on 24/09/2025, the plaintiffs filed affidavit in lieu of examination-in-chief of their PoA below Exh.118. The matter was adjourned to the following dates i.e., 09/10/2025, 19/11/2025, 24/12/2025, and the instant day. The plaintiffs sought adjournment which came to be allowed. Despite sufficient and reasonable opportunities, the plaintiffs failed to remain present for cross-examination.

3 Heard Ld.Adv.Shri.U.B.Umaranikar, for the defendants. None present for the plaintiffs whenever called out. The suit is in the category of more than 6 years old. No sufficient reason to await further when the plaintiffs are not diligent to prosecute the suit with due diligence. No adjournment application filed on the record the instant day. Hence, the following

Order

The suit stands dismissed in default for want of prosecution.

2 The proceedings is closed.

3 If the plaintiff files restoration application, the instant day the order shall be recalled. The defendants to take note.

Jath
Date:- 07/01/2026

(Sanjay P. Bunde)
Jt C.J.J.D, Jath