

[CNR NO.MHSN09-000281-2014]
REGULAR CIVIL SUIT NO.59/2014
[Order Below Exh.1]

[M/s. Sarjan Realities Limited, Pune etc.2 vs. Mukund Pralhad Kulkarni etc.7]

Plaintiffs have filed the present suit for perpetual injunction.

2] Perused the record and roznama. Roznama shows that, Issues are framed in this matter on 29.01.2015 below Exh.45 by my Ld. Predecessor. Thereafter, the matter was adjourned for hearing. On the next dates i.e. from 26.02.2015 till today, plaintiffs failed to adduce their evidence. Roznama shows that since 16.07.2016 till 21.04.2017, plaintiffs and their Ld. Advocate remained absent continuously and failed to adduce their evidence. Thereafter, since 14.08.2017 till 01.11.2017, plaintiffs and their Ld. Advocate also remained absent continuously and failed to adduce their evidence. Hence, as plaintiffs failed to adduce their evidence, by passing order below Exh.1 on 01.11.2017, matter was kept for dismissal order. Even though, plaintiff failed to lead their evidence till today. Matter is pending for evidence of plaintiffs since long. Plaintiffs also by filing their applications at Exh.52, 53, 54, 55 and 56 sought adjournments for filing their affidavit of examination-in-chief which were granted by the Court in the interest of justice. Thereafter also, plaintiffs failed to adduce their evidence and proceed with the matter further.

3] Today, Ld. Advocate for defendant filed application at Exh.59 and submitted that, as plaintiffs failed to adduce their evidence, by passing order below Exh.1 on 01.11.2017, Hon'ble Court kept the matter for dismissal order. Thereafter also, plaintiffs sought adjournments by filing applications at Exh.52 to 56 for filing their affidavit of evidence which were granted by the Hon'ble Court in the interest of justice and as a last chance. Thus, the plaintiffs have been granted sufficient opportunities for filing their affidavit of evidence but,

they failed to do so. Therefore, Ld. Advocate for defendant prayed to dismiss the suit for want of evidence as per order dt.01.11.2017, as plaintiffs are not interested to proceed with the suit.

4] On perusal of roznama, it shows that, the present suit has been filed in the year 2014. Issues have been framed on 29.01.2015. The matter is for evidence of the plaintiffs since long. Today also, plaintiffs and their Ld. Advocate remained absent when called out repeatedly till 5.45 p.m. No application on record. The conduct and continuous absence on the part of the plaintiffs shows that the plaintiffs have lost their interest to proceed with the matter. In such circumstances and in view of application filed by the Ld. Advocate for defendant at Exh.59, last chance is hereby granted to the plaintiffs to adduce their evidence and to proceed further with the matter. If on the next date, plaintiffs failed to proceed with the matter, the matter will be dismissed for want of prosecution. Hence, matter is adjourned on the next date under the caption “for dismissal order”.

Sd/-

Tasgaon
Dt.17.07.2018

(Sou. T.S. Mahadik)
2nd Jt. Civil Judge, Jr. Dn., Tasgaon