

Order below Exh.01.

(Passed on 6th December, 2016)

1] The suit is for declaration and injunction. The stage is fixed for dismissal order today under Order 17 Rule 2 of C.P.C. On 20.08.2016 order was passed below **Exh. 01.** However inspite of directing the counsel of the plaintiff to take steps he failed to do so. Further, the plaintiff and his counsel are absent. They have failed to proceed with the suit. Thus, it appears that the plaintiff and his counsel are not sincere in proceeding with the suit.

2] In *Prakash chander Manchanda Vs. Janki Manchanda* {AIR 1987 SC 42}, it has been held by the Hon'ble Apex Court that if on the date fixed for hearing of the suit, one of the parties remains absent and no evidence is led up to that date, the Court has no option but to dismiss the suit under Order 9 of the C.P.C. in accordance with Order 17 Rule 2 of C.P.C. Thus, in view of the law laid down by the Hon'ble Apex Court, I proceed to pass the following order.

Order

1. The suit is dismissed with cost for want of steps by the plaintiff.

Date: 06.12.2016

Place: Koregaon

(N.S. Kakade)
Jt. Civil Judge J.D.,
Koregaon