

MHWR090009082018



**IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION), KARANJA
GHADAGE**
(Presided Over by Diksha D. Vighne)

Regular Civil Suit No. 26/2018

Smt. Ashabala Arunrao Deshpande,

----- Plaintiff

-Versus-

Shri. Deepak Tryambak Deshmukhk + 8

----- Defendant's

Order Below Exh.01

(Passed on 17/03/2026)

This is a suit for declaration and possession.

2. Perused record of the case and roznama. It is seen that the case is old and pending since 2018. It is seen that in present suit plaintiff and her advocate are continuously absent in the proceeding since last 37 dates. A connected execution proceeding is pending in this court which was stayed by Hon'ble Bombay High Court, Nagpur Bench and Nagpur which was disposed of on dt.13.11.2025 and Hon'ble High Court has directed to decide that execution petition no. 12/12 within six month from the date of order. The plaintiff in this suit and objector in execution proceeding no.12/12 are the same i.e. Ashabala Deshpande. The plaintiff neither appear before court in present suit nor

appear in execution proceeding no.12/12. Therefore, this suit was kept for order of dismissal due to absence of plaintiff and non leading of evidence on 17.02.2026. Thereafter, again on 27.02.2026 direction were given to plaintiff to lead her evidence. However, despite giving sufficient opportunities plaintiff has failed to lead her evidence.

3. On today an application of adjournment along with Vakalatnama has filed by attorney of Adv. Lakhani. It is pertinent to note that despite keeping the case for dismissal neither plaintiff nor her newly appointed advocate have appear before court. An advocate from local bar i.e. Adv. Kadwe who has filed joint power have prayed for adjournment of suit. No specific reason has stated in the application nor submitted by Adv. Kadwe for adjournment of this suit. Therefore, application of adjournment is rejected with cost. The case is old and pending since 2018. Plaintiff has failed to appear before court from last 37 dates. Continuous absent of plaintiff shows that she is not desirous to proceed with this case. If she could have any interest in this proceeding then she must have appear before court and submit her reasons for absence on earlier dates. But, neither plaintiff nor her newly appointed advocate have shown their interest in the proceeding. Thus, due to absence of plaintiff and for absence of any substantial reason for adjournment, it is just and reasonable to pass following order.

ORDER

1. Suit is dismissed with costs for non prosecution.
2. Bill of cost be drawn up accordingly.

Date: 17.03.2026

(Diksha D. Vighne)
Civil Judge (Jr. Dn.),
Karanja (Gha.)