

Satyvaan Rambhau Warghade & Ors.

V/s.

Sopan Khandu Tathe & Ors.

ORDER BELOW EXH. 1

Present is suit for cancellation of sale deed, possession and injunction. Defendant appeared and contested the suit. Thereafter suit was fixed for hearing on Exh. 5 however plaintiff submitted pursis at Exh. 22 stating that he is not pressing application Exh. 5. As per that necessary order came to be passed Exh. 5.

2. At Exh. 23 issues came to be framed on 10/01/2018. Then the suit was fixed for plaintiff evidence. At Exh. 24 Advocate Shri. S. S. Mate who was representing the plaintiff submitting no instruction pursis alongwith copy of notice issued to plaintiff No. 1 stating that he is not co-operating him. The rozanama reflects that even after intimation by the counsel about their conduct and that the suit is fixed for hearing on 06/04/2018, none of the plaintiffs appeared.

3. On 22/06/2018 advocate Shri. S. S. Mate appeared to verify the date only and on that date also none of the plaintiff turned up.

4. On subsequent dated that is 29/09/2018 Adv. Shri.Mate did not turned up, so also the plaintiffs and hence necessary order below Exh. 1 came to be passed.

5. Today again plaintiffs did not turned up through out the day though repeatedly call till 4.30 p.m. On other hand Ld. Counsel for defendant who had strongly contested the suit as per written statement appeared.

6. It is matter of record that the issues are framed in the month of January 2018 and till date evidence affidavit is not submitted by plaintiffs. Inspite of repeated calls by their counsel and service of issued to plaintiff No. 1, they did not took pain to appear. It clearly shows their disinterest in conducting the matter. Prior to framing of issue also their conduct is apparent. Considering their long absence there are no chances of plaintiffs appearing in near future to proceed with the suit. There are no reason to adjourn the matter today. As such the suit needs to be dismissed. Accordingly following order is passed :

ORDER

- 1) Suit is dismissed as per Order 9 Rule 8 of C.P.C.
- 2) Parties to bear their own cost.
- 3) Bill of cost be prepared.

PLACE : PUNE

Sd/-

DATED: 06/12/2018.

(Kum. S. K. Choudhary)

12th Joint Civil Judge, Senior Division,
Pune

CERTIFICATE

“I affirms that the contents of this P.D.F. file orders are same word for word as per original order.

Name of Steno : Smt.S.T.Jagtap, Stenographer (Grade-III)

Court Name : Ku.S.K. Choudhary, 12th Jt. C.J.S.D., Pune.

Hand written : 6/12/2018.

Typed : 6/12/2018.

Corrected : 6/12/2018.

Order signed by

presiding officer on :6/12/2018.

Order uploaded on : 6/12/2018.

(ORDER EXH. 1)

...3...

R.C.S.No.1993/2016
CNR No.MHPU02-006400-2016

(ORDER EXH. 1)

...4...

R.C.S.No.1993/2016
CNR No.MHPU02-006400-2016

(ORDER EXH. 1)

...5...

R.C.S.No.1993/2016
CNR No.MHPU02-006400-2016