

ORDER BELOW EXH.1 IN SPECIAL C.S. NO.772/2011

Matter is fixed on today's civil cause list at Sr.No.4 for no written statement and exparte hearing.

2- Called plaintiff and his advocate. Both are absent.

3- Perused record. It appears that no written statement hearing was ordered against defendant no.1 while exparte hearing was ordered against defendant no.2 on 8/4/2014. Plaintiffs evidence was discarded/struck off on 14/11/2016. Thereafter, on 15/7/2017, he applied for recalling of order dated 14/11/2016 vide exhibit 37. His prayer was conditionally allowed on 21/9/2018 but he failed to comply with the condition till 14/1/2019. Today also, he is absent. His advocate is also absent. Thus, matter was fixed for adverse orders against plaintiff on 14/1/2019.

4- Record shows that plaintiff is not interested in conducting the hearing of this matter. Suit pertains to declaration and injunction. No good reason has been assigned for absence of plaintiff. Considering the history of matter, I do not find any convincing reason to adjourn the matter to a further date for absence of plaintiff on the date of hearing. Thus, it appears to me that there is ground to continue the file of this proceeding on the board of the Court. In other words, suit is required to be dismissed for want of prosecution. Thus, the following order.

ORDER

1. Proceeding in Special Civil Suit No.772/2011 stands disposed as dismissed in default under Order XVII Rule 3(b) read with Order IX Rule 3 of Civil Procedure Code.
2. Case papers be filed.

Sd/-

(S.G. Agrawal)
VI Addl. Judge,

Small Causes Court & CJSD, Pune.

Pune.
Dt. 01-03-2019.

CERTIFICATE

I affirm that the contents of this PDF file are same word for word as per original order/judgment.

Name of steno	:	R.A. Shimpi
Name of Court	:	Smt.S.G.Agrawal, VI Addl. Judge, Small Causes Court & CJSD, Pune.
Date	:	01-03-2019
Order/Judgment signed by PO on	:	01-03-2019
Order/Judgment uploaded on	:	01-03-2019