

IN THE ADDITIONAL DISTRICT COURT AT BHAVNAGAR

REGULAR CIVIL SUIT (Trust) NO.5 OF 2005

Plaintiff:

KUMARBHAI C. VHORA

Averest Flats, Waghavadi Road,
Bhavnagar

VERSUS

Defendants:

- 1. Seven Trustees of a trust
Bhavnagar Blood Bank
Bhavnagar
and 3 others**

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ORDER BELOW EXH.1

1. The matter is called out today, for hearing of the suit but, upto 5.00 p.m. even after repeated call outs, neither the plaintiff nor defendant is present, and not even any application seeking adjournment is tendered on behalf of anyone. Ld. APP is present and has urged to dismiss the present suit as there is no cause in the present suit. It also transpires from the facts of the case and the reliefs sought that such cause does not survive and the suit has been filed for the guidance, which has no provision in the law.

2. The matter has been called out and none of the parties are present today. Even the defendants, except Ld. APP, are absent and have not appeared before the Court. From the record neither it emerges that any

appeal / revision is pending in the said matter nor any order to stay the present suit is found. On perusal of record it appears that the matter had been adjourned from time to time in the interest of justice. Despite that, neither the plaintiff nor the defendants have remained present to proceed further with the matter. Thus, it appears that the plaintiffs are not inclined to proceed with the matter. Hence, in view of the above situation and the non-appearance of the plaintiff, considering the provisions of O.IX, R.3 of the Code of Civil Procedure, 1908, this Court is left with no alternative except to dismiss the present suit for want of prosecution in the absence of the plaintiff. Hence, the following order is passed:

:: O R D E R ::

- (1) The suit hereby stands dismissed for default and accordingly disposed of with no order as to cost.
- (2) Interim relief granted, if any, also stands vacated.
- (3) Since the suit itself is dismissed, miscellaneous application, if any, remains undecided, the same does not survive and accordingly disposed of.

Pronounced in open Court on this ***Seventh day of August, Two Thousand Eighteen.***

Place: Bhavnagar (RAJENDRAKUMAR INDRACHAND GANERIWAL)
Date : 07/08/2018 Additional District Judge
Bhavnagar
(U.I.CODE : GJ01316)

*Self