

Order below exhibit-1

(1) Looking to the record of this Suit, this suit has been filed on dt.26-08-2022 and pending for execution of summon to defendant. Litigants should have to remain vigilant for their Matters.

(2) So in view of such circumstances, what steps can be taken by the court is provided under Order-09, rule-5 of the Code of Civil Procedure.

Dismissal of the suit where plaintiff, after summons returned unserved, fails for three months to apply for fresh summons- (1) where, after a summons has been issued to the defendant, or to one of the several defendants, and returned unserved, the plaintiff fails, for a period of seven days from the date of the return made to the court by the officer ordinarily certifying to the court returns made by the serving officers, to apply for the issue of a fresh summons the court shall make an order that the suit be dismissed as against such defendant, unless the plaintiff has within the said period satisfied the court.

(3) So in view of the provision of RULE-5 of ORDER-09, the

court may proceed further and disposed of suit in accordance with law. So in view of the aforesaid discussion the suit of the plaintiff is required to be dismissed since he is not serious to proceed further into the matter by way of not adducing defendant address and does not apply for fresh summons. Hence in view of the aforesaid reasons, I hereby pass following order in the interest of justice.

ORDER

The suit of the plaintiff bearing TSUIT No.5-2022 is hereby dismissed in view of Order- 9, Rule-5 of the Code of Civil Procedure.

Pronounced today in an open court on dt.13-09-2024.

Date:13-09-2024

Place: Surat

(P. B.Patel)
11th Add. District Judge & Session Judge,
Surat
Judge code No-GJ00805