

MHNG020040712011



Spl. C. S. No.1362/ 2011

Bank of Maharashtra .Vrs. Rekha & another

ORDER BELOW EXH.1

(Dated : 28th November, 2022)

Perused the record. The case is filed for recovery of money on 11.10.2011. Summons were issued to defendants, but defendant no.2 failed to appear. Hence, suit proceeded ex parte against defendant no.2. The summons issued to defendant no.1, however, return unserved and the case was posted for taking steps against defendant no.1. The plaintiff filed application on 12.03.2018 for issuing summons to defendant no.1 by substitute service, which was allowed. But thereafter, no one appeared on behalf of plaintiff and no steps are taken to secure presence of defendant No.1. The plaintiff is absent since long. Record shows that on 09.11.2022 the case was kept for dismissal order. In spite of that, plaintiff failed to take further steps.

02. The case is more than 10 years old. The case was adjourned without passing any adverse orders due to Covid-19 pandemic reason and S.O.P. issued by Hon'ble Bombay High Court. Now the Court has resumed regular working. It is not the case that only due to lock-down or Covid-19 pandemic reason the plaintiff is absent. Record shows that prior to lock-down or pandemic situation

also the plaintiff was absent and further steps were not taken since long. It appears that the plaintiff is not interested in proceeding with the case. In such situation no fruitful purpose will be served by keeping case pending. Hence, the suit is dismissed in default.

Nagpur

Date : 28.11.2022.

(S.M. Padolikar)

14th Jt. Civil Judge (Sr. Dn.),
Nagpur.