

Regular Summary Suit No. 47 of 2008.

THE COURT OF 2nd ADDITIONAL CIVIL JUDGE AT AHMEDABAD[RURAL].

Order Below Exhibit-1 (Under Order-9, Rule-5 of CPC)

This Suit is Filed in the year 2008 and on payment of process fees summons for appearance was issued on all the defendants and from that day on ward and till date the plaintiff failed to make it re-issue of summons and even after availing the sufficient opportunities, further the matter is kept for explanation of plaintiff in same regard but looking to the order sheet plaintiff constantly remained inactive and absent. This case is oldest and pending on non effective mode due to the plaintiff.

Now the question before this court is that how much time is called to be sufficient for serving summons on defendant to whom the summons is returned unserved? looking to order sheet and adjournments, plaintiff has not taken any initiative to serve the summons on defendant on record, in this regard, the act of plaintiff clearly transpire that he is negligent and not able to give the reasons for not serving the summons. It is very clear that in the interest of justice, the court has given the sufficient adjournment opportunities to plaintiff to take necessary steps to serve the summons to defendant, but he failed. It clear from the record that, the plaintiff failed to apply for fresh summons, within stipulated time period from the date of the return of summons unserved, and this court is also on view that after giving sufficient opportunities to the plaintiff, now if further adjournments for the same reason will be granted, then valuable time of court will surely be wasted, Hence in the larger interest of Justice, this court pass the following order below exhibit 1.

ORDER

This suit is hereby dismissed for default under Order 9 Rule 5 of the C.P. Code.

No order as to costs.

Date:21/11/2019

2nd Addl. Civil Judge, Ahmedabad [Rural].