

ORDER BELOW EXH.1 IN SUMMARY SUIT No.68 of 2015

Coram : V.S.Dave, Judge

1. The plaintiff and his Ld.Advocate are not present today on several call outs during the day. No adjournment has been sought by them.
2. On perusal of the Rojkam, it appears that the matter is staged for plaintiff's evidence since 26-12-2025. Issues were framed on 08-12-2025 vide Exh.33. Sufficient opportunity has been given to the plaintiff, neither plaintiff nor his advocate has remained present or has taken any steps to proceed with this suit since long. The record reveals that the learned advocate for the defendant has filed a pursis vide Exh.26, along with copy of order dated 28-06-2024, declaring that the Special Civil Application No.17555 of 2017, filed by him, has been dismissed. Thereafter, notice issued vide Exh.27, informing the plaintiff about the stay vacant was returned unserved. Subsequently, notice issued at exh.30 was duly served upon the learned advocate for the plaintiff through Whatsapp. However, the learned advocate for the plaintiff has not remained present before the court.
3. On considering the rojkam, since long plaintiff and his Ld.Advocate have not initiated any procedure for proceeding further with this suit. There is no justification on record with respect to plaintiff's absence on record.

4. The plaintiff and his Ld.Advocate are bound to proceed with the matter in accordance with law without any delay. It has been held in “**Mukeshbhai Rajendrabhai Shah V/s. Addl.Development Commissioner, G.L.R.1999(3)** that authority or forum is not bound to wait till the party or his advoate is ready to proceed as per his convenient, pleasure and leisure.”
5. It apparently appears that the plaintiff is not interested in proceeding with this suit. Granting further adjournment would only add to the pendecny of the case. Hence, in the interest of justice, I pass the following order -

O R D E R

1. Suit is hereby dismissed for default under Order 9 Rule 3 of Code of Civil Procedure.
2. No order as to costs

Pronounced and signed in the open court on this 1st day of January, 2026.

Date : 01-01-2026
Place : Ahmedabad

(Virendra Shashikantbhai Dave)
Judge,(Code No.GJ01138)
Small Cause Court No.2
Ahmedabad.