

GJPM040005582022



Order Below Exh.1 in R.SMST No.1 of 2022

1. On perusal of the record it appears that suit was originally filed in 2022 and since long time the suit is pending and time and again the matter has been adjourned for adducing evidence of the plaintiff. This Court granted repeated **five adjournments** of the plaintiff for adducing evidence, however plaintiff has failed every time for adducing evidence. Further, neither the plaintiff nor the LA for the plaintiff has remained present today when called out. Therefore, it transpires that the plaintiff has failed to adduce evidence despite several opportunities granted. In this regard, it would be imperative to go through provision contained in Order 7 Rule 14, which reads as under ;

14. Production of document on which plaintiff sues or relies.

- (1) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in Court when the

plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

- (2) Where any such document is not in the possession or power of the plaintiff, he shall, wherever possible, state in whose possession or power it is.
- (3) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.
- (4) Nothing in this rule shall apply to document produced for the cross-examination of the plaintiffs witnesses, or handed over to a witness merely to refresh his memory.

2. Now, it appears from the record that, despite number of adjournments granted, no original documentary evidence adduced by the plaintiff. Hence, it appears to this Court that the plaintiff is not careful and interested to proceed ahead. As per the provisions envisaged under Order IX, Rule 3 of the Code of Civil Procedure, where neither party appears when the suit is called on for hearing, the Court may make an order that the suit be dismissed. Therefore, considering provisions of Order IX, Rule 3 of the Code of Civil Procedure due to carelessness and negligent act on the part of the plaintiff I don't find any sufficient reason to roll out the present plaint furthermore on the board. Hence, the

present plaint is dismissed for default. No order as to costs.

Signed and pronounced in open Court on this 25th day of June, 2026.

Date : 25.06.2026.
Place: Halol

[Rajeshkumar Batuklal Joshi]
Principal Senior Civil Judge,
Halol, Dist.Panchmahal.
(Code No.GJ00952)

V. T. Desai