

Order below Ex. 1

Perused the record of the case. The ld. advocate for the plaintiff filed the application vide ex.43 to condone the delay of 335 days in filing the application with a joint urge to set aside the abatement. On the very day, he also filed an another application vide ex.44 to join the heirs of the deceased defendant no.2. Both the application were granted by the Hon'ble Court on 6.12.2021 and the Court ordered the plaintiff to produce the amended plaint within the stipulated time. On very next date, i.e., on 14.12.2021, the ld. advocate for the plaintiff asked for the adjournment to file the amended plaint which was also granted by the Hon'ble Court. But till today, either the plaintiff or his ld. advocate never care to produce the amended plaint before the Court. Looking to the record of the case, neither the plaintiff nor his ld. advocate is appeared before the Court since last seven months.

Hence, due to regular non appearance of the plaintiff in the Court shows his uninterestingness to proceed further his case. Due to absence of plaintiff, suit cannot be proceeded further. In such circumstances following order has been passed in the interest of justice :

ORDER

1. The suit of the plaintiff is hereby dismissed for default under O.9 R.3 of C. P. Code, 1908.
2. No order of cost is made.

Pronounced in open Court on August 1, 2022.

Place: Vadnagar.

Date: 01/08/2022

(Alpa Prabhudas Kadiwar)
Principal Civil Judge,
Vadnagar.
Code : GJ-01554