

T.S.(JS) no. 177/2017

02/04/2022 Both the parties are absent.

Case record shows that the Petitioner filed evidence-on-affidavit of two witnesses, including that of himself. The Petitioner (PW-1) was cross-examined on 19/07/2019, but PW-2 has not been cross-examined till date. Both the parties were appearing through their ld. Advocates regularly till 07/03/2020. The case has been pending for cross-examination of PW-2. Both the parties were again present through their ld. Advocates on 02/03/2021 and 20/04/2021. But since then they have been absent.

As both the parties have been absent, this Court has to proceed to dispose of this suit in one of the modes directed in that behalf by Order IX of CPC, as provided under Order XVII Rule 2 of CPC. The suit cannot be proceeded with under Explanation to Order XVII Rule 2 of CPC, no matter PW-1 has already been cross-examined in this case, as because the other party (Respondent) has also been absent in the case, not only the Petitioner.

Therefore, in view of Order IX, Rule 3 of CPC, this suit hereby stands dismissed.

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