

46
16.6.2023
Ct. 236
SB

C.O. 3713 of 2014
CAN 1 of 2014

None appears on behalf of the petitioner.

The matter is appearing almost after nine years.

The conduct of the petitioners demonstrates lack of interest to proceed with the lis.

The Hon'ble Supreme Court in the case of **Robin Thapa vs. Rohit Dora** reported in **AIR 2019 SCC 3225** held that ;

“8. Ordinarily, a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or the defendant. The cause of justice does require that as far as possible, adjudication be done on merits.”

Therefore, instead of recording an order of dismissal, I am inclined to adjourn the hearing till **21.6.2023**.

If on the adjourned date none appears, the matter may be disposed of on merit based on the materials available with the record.

(Siddhartha Roy Chowdhury, J.)