

ORDER ON I.A.NO.I

1. The learned counsel for the plaintiff has filed an application U/O.XIII-A Rule 4 of CPC seeking an order to pass summary judgment and decree in favour of the plaintiff against the defendant.
2. The learned counsel for the defendant has not filed objection to I.A.No.I.
3. Heard arguments on both sides.
4. Perused the records.
5. On going through the records, it reveals that the defendant has filed written statement in this case and contested the claim of the plaintiff. Based on the averments of the plaint and written statement, issues have been framed. When the case was posted for Plaintiff's evidence, at this stage, the plaintiff has filed the present application to pass summary judgment in favour of the plaintiff bank against the defendant. However, as the defendant has taken the contention in his written statement that this court has no jurisdiction to try the suit. Therefore, without giving any opportunity to the defendant in cross-examining the plaintiff, this court is of the opinion that straight away summary judgment cannot be passed. Hence, IA.No.I is rejected.

For Plaintiff Evidence: by

Prl.District & Sessions Judge,

Davanagere.