

PW.1 called out absent. No representation for the Plaintiff and Defendants. Kept.

Matter called out at 12.50 p.m., once again. PW.1 called out absent. No representation for the Plaintiff and Defendants. Hence, it is considered witness not tendered himself chief-examination.

Hence, call at 3.00 p.m.,

Post lunch sessions matter called out. PW.1 and counsel for the Plaintiff called out absent. No representation for the Plaintiff. Perused the order sheet. The Plaintiff No.2 examined on 23-07-2024 in part. Thereafter, the witness not turned up and subjected to cross-examination. Hence, in my view Plaintiff No.2 not interested to proceed with the matter. Hence, the evidence of Plaintiff No.2/PW.1 is hereby discarded.

Since, affidavit in lieu of chief examination filed by Plaintiff No.2 on his behalf and on behalf of other Plaintiffs. But the witness did not turned up and even there was no representation for the Plaintiffs. The order sheet reveals that since from 12-06-2025 the witness did not turned up and no progress in the suit. Meanwhile, on 08-07-2025 I.A. filed to implead proposed Defendants.

But no further effective steps taken by the Plaintiffs to secure the proposed Defendants. The order sheet itself goes to show that the Court afforded a reasonable opportunity to the Plaintiffs to proceed with the matter.

O.S.No.297/2021

However, the Plaintiffs are not appeared before the Court and assist for early disposal.

Further it is pertinent to note that the present suit is five years old case. Hence, there is no ground to adjourn the matter even in the absence of the Plaintiffs. Hence, in my view it is a fit case to dispose. Hence, I proceed to following order.

Suit of the Plaintiffs is dismissed for non prosecution.

Sd/-

(SRI.VENKATESHA NAIKA V.)
I Addl.Sr.Civil Judge
& CJM, Dharwad.