

Case called. Plaintiff and her GPA holder are absent.

This case is filed by the plaintiff seeking partition and separate possession of her share in the suit properties. The plaintiff got herself examined as P.W.1 by filing her affidavit but she did not turn up for tendering herself for cross examination. Later on the GPA holder of plaintiff appeared and filed I.A.No.VIII seeking permission to lead evidence on behalf of plaintiff as her GPA holder. The said application is came to be allowed on 03.09.2019 but since then till date neither the plaintiff nor her GPA holder have appeared and led their side evidence. The P.W.1 as not tendered herself for cross-examination, her evidence in the form of examination in chief cannot be considered.

This case is originally filed in Civil Judge and JMFC Court Hangal and was numbered as O.S.No.347/2014 and subsequent to transfer of the same to this court, it is numbered as O.S.No.158/2017. Therefore it is clear that this case is more than 10 year old and till date the plaintiff has not led her side evidence. It appears that she is not interested to proceed with this case. This case ought to have been dismissed for non prosecution but due to over sight the further plaintiff evidence was taken as nil assuming that the evidence of plaintiff has already led. Hence as the plaintiff is not interested in prosecuting this case, as such this case is dismissed for non prosecution.

03.08.2026
(Amol. J. Hirikude)
I Addl.Sr.C.J & JMFC
Hangal