

The learned counsel for the plaintiff is present and has filed the present application under Order XVII Rule 1 read with Section 151 of the Code of Civil Procedure seeking adjournment of the case. The records reveal that the present suit is one for the relief of permanent injunction. The suit came to be instituted in the year 2018. Upon completion of pleadings, issues were framed on 26.04.2019 and the matter was posted for the evidence of the plaintiff. From the date of framing of issues, the plaintiff was required to diligently prosecute the suit and adduce evidence in support of his case. However, the order sheet discloses that even after framing of issues, the plaintiff sought and obtained several adjournments on different occasions for leading evidence. Thereafter, pursuant to the order dated 28.11.2022, the case came to be transferred to this Court. Even after transfer of the case, the plaintiff did not exhibit the diligence expected from a litigant seeking equitable relief of injunction. The records further disclose that on 03.06.2024, PW.1 was examined in part by way of chief-examination and the matter was posted for

further chief-examination and completion of plaintiff's evidence. However, despite sufficient opportunities being granted, PW.1 remained absent on several hearing dates. The matter was specifically posted for further chief-examination of PW.1 on 09.07.2024, 21.08.2024, 19.11.2024, 17.02.2025, 26.03.2025, 24.06.2025, 19.08.2025, 14.10.2025, 16.12.2025, 24.02.2026, and even on the present date. On all these occasions, the plaintiff failed to secure the presence of PW.1 and failed to proceed with the evidence. Thus, from 26.04.2019, when the issues were framed, till the present date, nearly several years have elapsed and yet the plaintiff has not completed even the stage of further chief-examination of PW.1. The conduct of the plaintiff demonstrates a persistent lack of diligence and seriousness in prosecuting the suit. The repeated absence of PW.1 despite numerous opportunities granted by the Court clearly indicates that the plaintiff has not utilized the opportunities afforded to him in accordance with law. The Court has carefully perused the averments made in the present application. The reasons assigned therein do

not constitute sufficient cause within the meaning of Order XVII Rule 1 CPC. The grounds urged are vague and unsatisfactory. When adequate opportunities have already been granted over a prolonged period extending for several years, the plaintiff cannot seek adjournments as a matter of right. It is also pertinent to note that the present application has been filed at a stage where the plaintiff has repeatedly defaulted in proceeding with the evidence. The Court is under an obligation to ensure expeditious disposal of long-pending cases and to prevent abuse of the process of law. Granting yet another adjournment in the present circumstances would only encourage delay and defeat the mandate of timely adjudication. Having regard to the prolonged pendency of the suit, the repeated absence of PW.1, the numerous opportunities already granted by the Court, and the absence of any satisfactory explanation in the application, this Court is of the considered opinion that the application does not survive for consideration and is devoid of merits. Accordingly, the application filed under Order XVII Rule 1 read with Section 151 of CPC is liable to be

rejected. The suit in hand is accordingly dismissed
for non prosecution.

Prl. Civil Judge & JMFC,
Bangarpet.