

ORDERS ON I.A

L/c for the petitioner filed IA U/o 18 Rule 17 R/w sec. 151 of CPC seeking to issue summons to the witness noted in the witness list.

2. In the affidavit annex to the application the petitioner submitted that due to Covid-19 she could not take proper steps to secure the presence of the witnesses. Non taking of steps was not intentional. If application is not allowed she will be in grate hardship. Hence, prays to allow the application.

3. On the other hand the L/c for respondent filed objection and contended that the petitioner filed this application to drag on the proceedings and prays to dismiss the application.

4. Heard both side. Perused record.

5. Order sheet reveals that the petitioner filed her chief examination affidavit on 08.11.2019. Thereafter, till 12.02.2021 she has not appeared before the court to tender herself cross examination.

Thereafter on 18.03.2021 Pw1 has been cross examined. Learned counsel for the petitioner filed I.A. seeking issuance of summons to the witnesses to examine the petitioner side. Thereafter inspite of sufficient opportunity given the petitioner has not taken steps to secure the witnesses. On 30.11.2022 after giving sufficient opportunity to the petitioner this court taken the further evidence of the petitioner side as nil and posted the case for argument. The petitioners after taking five adjournments for argument on 25.03.2023 filed this application seeking to summon the witnesses. The aforesaid proceedings clearly goes to show that the petitioner is not intended to expedite the case. Thus the argument canvassed by the respondent's counsel, that the petitioner filed this application only to drag on the proceedings holds water. Further the petitioner has not made any ground to allow the application. At this fag end of the proceedings the petitioner come up with these application without any sufficient grounds. Thus, the ground mention in the application that the petitioner was unable to taken steps due to Covid-19 is

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unacceptable. Hence, I proceed to pass the following:

ORDER

I.A filed by the petitioner U/ o 18 rule 17 R/w Sec. 151 of CPC is hereby dismissed on cost of Rs. 500/-.

For arguments by petitioner side finally on 28.10.2024.

Sd/-

Judge,

Court of Addl. S.C., &

Mysuru