

No representation for the plaintiff side, Plaintiff is absent, Smt. SSK for defendant No. 1, 3, to 5, 6 to 9 representing the case, plaintiff is absent, hence pass over the matter, Sri. VMD is present for defendant side, No representation for the plaintiff side, plaintiff is absent. Sri. VMD submits that the plaintiff is not turned up not taking proper steps hence the suit may be dismissed for non-prosecution, accordingly, heard them on going through the order sheets appears that when the matter posted for plaintiff evidence, for D.1, 3, 4, 5, 7 to 9 have came up with I.A.No. IV U/s 151 of CPC seeking permission to file WS. In the WS according to Sri. VMD they have contended already partition taken place i.e. their main contention and shares already have been allotted and respective sharers are enjoying their shares, but now the plaintiff filed the suit for partition. After filing the I.A.No. IV the stage posted for settlement, but plaintiff not appeared to say there is any settlement, WS of Sri. VMD has already taken on record. It was reported that one of the defendant expired, no steps till date is taken, therefore, it appears that the plaintiff has no intentions to proceed in the matter, nor appearing before the court, in view of the reason appears that the plaintiff have no interest to proceed further, therefore keeping the file is nothing but without fruitful hearings in view of the reason it is better to dismiss the suit for non prosecution otherwise it will be waste of th previous time of the court as well as public litigations, hence I proceed to pass the following ORDER The suit of the plaintiff filed for the relief of partition is hereby dismissed for non prosecution. There is no order as to costs.

Addl Sr Civil Judge, Udupi