

GPA holder of plaintiff is present. GPA holder submitted that many other suits and civil misc cases filed by him are pending before this court and those matters are important for him than the present matter and time is required for him to lead evidence. GPA holder further submitted that he has challenged the order passed by this court before Hon'ble High Court of Karnataka but it is not coming for hearing. GPA holder of plaintiff further submitted that he is suffering mental agony and hardship and he is not able to lead evidence today. Ordersheet discloses that sufficient time is already granted to lead evidence. Moreover this matter is of the year 2010 i.e., age of the suit is approximately about 16 years and so as per the directions issued by Hon'ble High Court of Karnataka and Supreme Court of India it is mandatory to dispose of old cases especially 10 years old cases. The submission made by GPA holder regarding priority of other cases has got nothing to do with disposal of old matters. Further more although this court has extended sufficient opportunities to the plaintiff to lead evidence he is not ready to lead evidence and on the other hand once again seeking time. Moreover no stay order is produced by the GPA holder. It is settled law that mere pendency of appeal or revision before the Higher court is not a ground to stay the proceedings. At this stage GPA holder stated making submission saying that if adjournment is not given he will have no doors open to redress his grievance as he has challenged the order passed by this court. At this stage it is relevant to refer to sequence of events transpired in the present case. This court allowed the amendment application filed by the plaintiff as per order Dt. 11.09.2025 by observing that doctrine of relation back is not applicable to present case. And reserved the matter for amendment. Further court also extended many opportunities to GPA holder to amend the plaint. However without carrying out amendment GPA holder of plaintiff filed IA No. XII which came to be rejected as per the order Dt. 04.12.2025 subsequently again court extended chance to plaintiff to amend the plaint.

But instead of amending the plaint once again IA No. XIII came to be filed by GPA holder seeking to stay the proceedings of this case which came to be rejected as per order Dt. 05.03.2026 and this court framed the issue and reserved the matter for plaintiff evidence. When matter was reserved for evidence on 12.03.2026 plaintiff did not lead evidence and prayed time. On 12.03.2026 this court granted time and posted the matter finally for evidence and posted it on 18.03.2026 but once again on that day plaintiff sought time which was granted and matter was posted for plaintiff evidence on 23.03.2026. Once again on 23.03.2026 plaintiff prayed for time this court reserved the matter for evidence as finally and last chance and posted it on 26.03.2026. Again on 26.03.2026 plaintiff filed medical document stating that GPA holder is advised rest. Although only medical certificate was produced this court granted time and reserved the matter for plaintiff evidence and posted it on today i.e., 01.04.2026. Today GPA holder being present before the court and once again seeks time and submitted that on the last hearing date IA seeking adjournment was filed but it is not recorded in the ordersheet. However this court has recorded that memo with medical certificate is filed. However that does not have any impact in considering the prayer for adjournment. It is because court had considered the prayer for adjournment partly and extended time till today to lead evidence. So said application does not survive for consideration once again. For the reasons stated above I find no grounds to grant further adjournments.

Hence prayer is hereby rejected.

Suit filed by the plaintiff is hereby dismissed for non prosecution.

01.04.2026

C.J.& JMFC, Harapanahalli