

## B Thilak Vs S V S Enterprises

**Court:** Karnataka High Court At Bengaluru

**Date of Decision:** Jan. 27, 2025

**Hon'ble Judges:** S.R. Krishna Kumar, J

**Bench:** Single Bench

**Advocate:** Vijaya Kumar K, Shivarama Bhat O

**Final Decision:** Disposed Of

### Judgement

S.R. Krishna Kumar, J

1. In this petition, the petitioner seeks the following relief:

To set aside cognizance taken by the 6th Addl. Civil Judge and JMFC, Mysuru in CC.No.18118/2022 vide order dated 25.5.2022.

2. After arguing the matter for some time, learned counsel for the petitioner submits that the present petition may be disposed of granting permission to

the petitioner to complete the further cross examination of PW.1 and take up all defenses to be urged before the trial Court, who shall be directed to

consider the same in accordance with law.

3. Per contra, learned counsel for the respondent as well as PW1, who is physically present before this Court, jointly submit that the matter is posted

before the trial Court on 28.01.2025 and PW.1 will be present before the trial Court on such date. He further submits that the petitioner may be

directed to complete the further cross examination of PW.1 on 28.01.2025 without taking adjournment under any circumstances whatsoever.

4. In view of the aforesaid facts and circumstances, though several contentions are urged by both sides in support of their respective claims, without

expressing any opinion on the merits/demerits of the rival contentions, I deem it just and appropriate to dispose of the present petition

directing/permitting the petitioner to complete the further cross examination of PW.1 on 28.01.2025 by recalling PW.1 without taking any adjournment

under any circumstances whatsoever.

5. Both parties are at liberty to urge all their contentions, defences etc., which shall be considered by the trial Court in accordance with law. PW.1 is

also directed to be present before the trial Court on 28.01.2025 for further cross examination by the petitioner.

6. All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the same.

7. The petition stands disposed of accordingly.