

Sushma Dhwarakanath Vs Geetha Badari

Court: Karnataka High Court At Bengaluru

Date of Decision: Jan. 25, 2025

Hon'ble Judges: H.P. Sandesh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

H.P. Sandesh, J

1. This Court suspended the sentence vide order dated 25.03.2022 and thereafter ordered to issue notice to the respondent and notice issued was not

served. Vide Court order dated 25.03.2022, notice was issued to the respondent through Commissioner of Police, Bengaluru and the said notice was

also returned with an endorsement "The respondent vacated the said address three years ago and no information about the present address of the

respondent. Hence, extension application was also filed and the same was objected by the office and time was granted and once again two weeks

time was granted on 25.07.2022 and on 16.11.2022, the order on suspension of sentence passed on 25.03.2022 was vacated in view of non-taking

steps and thereafter also matter was listed on 13.01.2023 once again ordered to take appropriate steps to ensure service of notice on the respondent.

On 16.07.2024, this Court also noticed till date there is no service of notice to the respondent and in fact, counsel sought permission to serve the

respondent and file acknowledgement, same is also not filed and after obtaining order of suspension of sentence, there is no progress in the case and

again the matter was listed on 26.07.2024. On 26.07.2024, it is observed that notice issued to the respondent is returned unexecuted for want of

correct address and not filed the acknowledgment for having served the notice and again the matter was adjourned by two weeks. On 22.08.2024 also

the counsel for the petitioner sought time and this Court held that if needful is done, issue notice to the respondent and the matter was adjourned and

on 09.09.2024, for await service of notice, the matter was adjourned to 30.09.2024 and on 30.09.2024, again three weeks time was granted to do the

needful and on 30.10.2024 also finally, a week's time was granted to pay the process fee.

2. On perusal of the order sheet, it discloses that inspite of sufficient opportunity was given to the learned counsel for the petitioner from last two

years, notice was not served against the respondent till date and not made any efforts to serve the notice. Today, the counsel for the petitioner is

absent. Hence, it appears that the petitioner is not pursuing the matter diligently. Accordingly, the revision petition is dismissed for non-prosecution.