

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AT BENGALURU**

Dated this the 3rd day of January 2026

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

O.S.No.1512/2016

PLAINTIFF : Smt.N.Nagarathna.

V/s

DEFENDANTS : Sri.Sadananda & others.

i.	Provision under which the application is filed	Section 151 of the Code of Civil Procedure.
ii.	Reliefs sought for	To club this suit with O.S.No.2693/2016.
iii.	The date on which the application is filed	05.11.2024
iv.	Number of the application	I.A.No.XII
v.	The date on which the objection is filed	05.12.2024
vi.	The date on which the order was passed on the said application	03.01.2026

ORDERS ON I.A.No.XII

The 1st defendant has filed I.A.No.XII under Section 151 of the Code of Civil Procedure seeking an order to club this suit with O.S.No.2693/2016 in order to dispose of the

cases together by permitting the 1st defendant to adduce common evidence in O.S.No.1405/2016, O.S.No.1511/2016 and O.S.No.1512/2016.

2. In support of I.A.No.XII, the 1st defendant has filed his affidavit stating that the plaintiff in O.S.No.2693/2016 by name Ramya filed the suit for declaration in respect of site No.2 formed in Sy.No.42/65 of Mallathahalli Village, Yeshwanthpur Hobli, Bengaluru North Taluk. Before filing of the said suit, she filed another suit in O.S.No.6695/2006 against the 1st defendant in respect of four sites said to have been formed in Sy.No.42/65 of Mallathahalli Village, Yeshwanthpur Hobli, Bengaluru North Taluk contending that she purchased sites No.1 to 4 from one Mohammed Faruq through sale deed dated 16.07.2004. The 1st defendant contested the said suit contending that the said sites are not in existence. They are sites No.12, 13, 30 and 31. The said suit was dismissed on 24.04.2013. Thereafter, Ramaya executed Gift Deeds dated 23.11.2013 in favour of the plaintiff in respect of the site No.4 in favour of the plaintiff, in respect of site No.3 in

favour of Nagarathna and site No.1 in favour of Manjula N. Based on the said Gift Deeds, the plaintiff filed this suit, Nagarathna filed the suit in O.S.No.1512/2016 and Manjula N. filed the suit in O.S.No.1511/2016 against the 1st defendant for permanent injunction. They are pending for consideration. In all four suits, the contention of the 1st defendant is common. Therefore, to avoid the multiplicity of proceedings and conflicting orders/judgments, the clubbing of all four suits is just and necessary by recording the common evidences of the 1st defendant.

3. The plaintiff has filed her objections to I.A.No.XII contending that the application is not maintainable either in law or on facts. The present application is filed to protract the proceedings and to harass the plaintiff. The affidavit averments are denied as false. The plaintiff has already produced her oral and documentary evidences. PW1 is fully cross-examined by the learned Counsel for the defendants. The case is posted for defendants evidence. The parties and the subject matters of the suits are different. Hence, prayed to dismiss I.A.No.XII.

4. Heard the learned Counsels for the plaintiff and the 1st defendant on I.A.No.XII. Perused the materials available on record.

5. The following point that has been arisen for my consideration:

Whether the 1st defendant has shown sufficient reason to club this suit with O.S.No.2693/2016 to record common evidences ? If so, what order?

6. My answer to the above point is in the Negative for the following:

REASONS

7. The plaintiff filed this suit against the defendants for permanent injunction restraining the defendants from interfering, dispossessing or taking forcible possession of the plaintiff's lawful possession of the schedule immovable property and or trespassing or putting up any structure in the absence of the plaintiff on the schedule property. Defendants No.1 and 3 have filed their separate written statements. The Issues are framed and the plaintiff has

produced her oral and documentary evidences. Now, the case is posted to produce the evidences of the defendants. At this stage of the proceedings, the 1st defendant filed this application seeking an order to club this suit with O.S.No.2693/2016 in order to dispose of the cases together by permitting the 1st defendant to adduce common evidence in O.S.No.1405/2016, O.S.No.1511/2016 and O.S.No.1512/2016.

8. On perusal of the pleading of the parties in this suit, O.S.No.2693/2016, O.S.No.1511/2016 and O.S.No.1504/2016, though the defences of the 1st defendant are common, the plaintiffs and the subject matters of the said suits are different. They should be tried separately. It further appears that all four suits cannot be disposed of in common judgments. They are to be disposed of through separate judgment. If the common evidences of the 1st defendant are recorded in all four suits, the evidence would be bulky. In O.S.No.1511/2016 and O.S.No.2693/2016, the evidences of the 1st defendant are not yet commenced. Therefore, considering the above facts

and circumstances, it is not a fit case to club this suit with O.S.No.2693/2016 in order to dispose of the cases together by permitting the 1st defendant to adduce common evidence in O.S.No.1405/2016, O.S.No.1511/2016 and O.S.No.1504/2016. For the above reasons, the 1st defendant has not shown sufficient reason to club this suit with O.S.No.2693/2016 to record common evidences. Hence, I answer the above point in the Negative. In the result, I proceed to pass the following :

ORDERS

I.A.No.XII filed by the 1st defendant
under Section 151 of the Code of Civil
Procedure is hereby dismissed.

No order as to cost.

(Typed by the Stenographer in the Court computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court today on this the 3rd day of January 2026).

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,
Bengaluru.