

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

Dated this the 9th 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.2173/2015

PLAINTIFF : Smt.Sarojamma.

V/s

DEFENDANT : Sri.Mallareddy.

i.	Provision under which the application is filed	Under Section 10 R/w Section 151 of the Code of Civil Procedure
ii.	Relief sought for	To stay this suit during the pendency of R.F.A.No.1200/2010 and R.F.A.No.509/2015.
iii.	The date on which the application is filed	09.04.2025
iv.	Number of the application	I.A.No.XII
v.	The date on which the objections are filed by different opponents	22.07.2025
vi.	The date on which the orders were passed on the said application	09.01.2026

ORDERS ON I.A.No.XII

The defendant has filed I.A.No.XII under Section 10 R/w Section 151 of the Code of Civil Procedure seeking an order to stay the further proceedings of this suit till disposal of R.F.A.No.1200/2010 and R.F.A.No.509/2015 pending on the file of the Hon'ble High Court of Karnataka.

2. In support of the I.A.No.XII, the defendant has filed his affidavit stating that the suit in O.S.No.831/2005 filed by the plaintiff against the defendant for partition and separate possession of three items of the properties was disposed of vide preliminary decree dated 12.02.2010. Challenging the said judgment and decree, R.F.A.No.1200/2010 has been filed before the Hon'ble High Court of Karnataka. It is pending for adjudication. During the pendency of the said appeal, FDP No.47/2010 was filed by the plaintiff. In the said proceedings, the Final Decree was drawn on 27.06.2014. Challenging it, the defendant filed R.F.A.No.509/2015 before the Hon'ble High Court of Karnataka. It is also pending for consideration. The subject matter and parties to this suit and

the said proceedings are one and the same. The issues that are required to be tried in the said appeals and the this suit are also one and same. Hence, this application is filed.

3. The LR's of the plaintiff have filed the objection on I.A.No.XII praying to dismiss I.A.No.XII contending that the nature and the cause of action of both suits are not one and the same.

4. Heard the arguments of the learned Counsels for the plaintiff and the 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 defendant has shown sufficient reasons to stay this suit till disposal of R.F.A.No.1200/2010 and R.F.A.No.509/2015?
If so, what order ?*

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

REASONS

7. This suit is filed by the plaintiff against the defendant for permanent injunction restraining the defendant and his henchmen, agent, followers or anybody claiming under him from interfering with the peaceful possession and enjoyment of the suit schedule property, by an order of permanent injunction. It is based on the cause of action that on 04.03.2015, the defendant interfered with the possession and enjoyment of the plaintiff on the suit schedule property. The suit is O.S.No.831/2005 was filed by the plaintiff against the defendant for partition and separate possession of her share in the suit schedule property. The said suit was decreed vide judgment and decree dated 12.02.2010. The proceedings in R.F.A.No.1200/2010, FDP No.47/2010 and R.F.A.No.509/2015 are continuation to the proceedings in O.S.No.831/2005. Though the parties and the subject matters of the said proceedings and the present suit are one and the same, the cause of action and the issues involved in this suit are not directly or substantially in issue in the

previously instituted suit. In the previously instituted suit, the right of share of the plaintiff was the issue. In the present suit, the lawful possession of the plaintiff on the suit schedule property and the alleged interference are the issues. For above reasons, the defendant has not shown sufficient reasons to stay this suit till disposal of R.F.A.No.1200/2010 and R.F.A.No.509/2015. 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 defendant under Section 10 R/w 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 9th day of January 2026).

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

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