

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

Dated this the 10th 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.7943/2012

PLAINTIFFS : Smt.Gangamma & others.

V/s

DEFENDANTS : Smt.Nagarathnamma & others.

i.	Provision under which the application is filed	Under Section 10 of the Code of Civil Procedure
ii.	Relief sought for	To stay all further proceedings of this suit till disposal of the suit in O.S.No.2313/2008 pending on the file of XLIV Additional City Civil and Sessions Judge, Bengaluru.
iii.	The date on which the application is filed	28.02.2025
iv.	Number of the application	I.A.No.XII
v.	The date on which the objections are filed by different opponents	05.07.2025
vi.	The date on which the orders were passed on the said application	10.02.2026

ORDERS ON I.A.No.XII

The LRs of defendant No.3(d) have filed I.A.No.XII under Section 10 of the Code of Civil Procedure seeking an order to stay all further proceedings of this suit till disposal of the suit in O.S.No.2313/2008 pending on the file of XLIV Additional City Civil and Sessions Judge, Bengaluru.

2. In support of the I.A.No.XII, defendant No.3(d)(a) has filed his affidavit stating that the plaintiffs have filed the suit in O.S.No.2313/2008 on the file of XLIV Additional City Civil and Sessions Judge, Bengaluru for declaration, possession and injunction against the defendants. Therefore, this suit cannot be decided till disposal of the said suit.

3. The learned Counsel for the 2nd plaintiff has filed the objection on I.A.No.XII parrying to dismiss I.A.No.XII contending that the issues involved in this suit are not directly and substantially involved in O.S.No.2313/2008.

4. Heard the learned Counsels for the plaintiffs and LR's of defendant No.3(d) on I.A.No.XII. Perused the materials available on record.

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

Whether this suit is liable to be stayed till disposal of the suit in O.S.No.2313/2008 ? 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 plaintiffs against the defendants for the following reliefs :-

- i. Declaring that the boundaries shown on the eastern and southern side as the property of the defendants No.2 and 3 in the schedule to the Sale Deed dated 09.11.2009 executed by the 1st defendant in favour of the defendants No.2 and 3 is false and not binding on the plaintiffs;

- ii. Consequentially pass an order in the nature of mandatory injunction directing the defendants to get rectified in the Sale Deed dated 09.11.2009 registered as Document No.KEN-1-02295/2009-10 stored in C.D.No.KEND410 on 09.11.2009 in the office of the Sub-Registrar, Kengeri, Bangalore to the effect that the boundaries showing on the eastern side property of the plaintiffs and southern side drain water canal and property of the plaintiffs, failing which the rectification to be done in the Sale Deed dated 09.11.2009 through the process of this Court.

8. The subject matter of this suit is the property bearing Gramatana 1 of Nayandahalli having Khatha No.637/97/9 measuring East to West 20 feet and North to South 65 feet out of which, southern property measuring East to West 20 feet and North to South 27½ feet situated at Nayandahalli Village, Kengeri Hobli, Bangalore South Taluk. Defendants No.1 to 3 have filed their written statements. The issues were framed. The plaintiffs have produced their oral and

documentary evidences. The case is posted for the evidence of the defendants. At this stage of the proceedings, the present application is filed.

9. The LR's of defendant No.3(d) have produced the certified copies of the plaint and issues in O.S.No.2313/2008. On perusal of the plaint averments in O.S.No.2313/2008, it appears that the said suit of the plaintiffs was for permanent injunction and recovery of possession. The subject matter of the said suit and the present suit are not one and the same. On the other hand, they are different. Moreover, the issues involved in the said suit and the present suit are also not identical or substantially similar. Therefore, this suit is not liable to be stayed till disposal of the suit in O.S.No.2313/2008. 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 LR's of defendant No.3(d) under Section 10 of the Code of Civil Procedure is hereby dismissed.

No order as to cost.

(Dictated to the stenographer, typed by her, printout taken, corrected and then pronounced by me in the open court today on this the 10th day of February 2026).

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

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