

KABG010037082025



**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
AT BELAGAVI**

DATED THIS THE 20th DAY OF JUNE, 2026

PRESENT : **SHRI MANJUNATH NAYAK**
B.A.L. LL.B.
Prl. District & Sessions Judge
Belagavi.

Misc. No.287/2025

- PETITIONERS:**
1. Sri Laxman S/o Fakira Patil
Age: 85 years, Occ: Agriculture,
R/o: Bramhalinga Galli,
Sulaga (U) Belagavi,
Pin Code: 591108
 2. Sri Parashuram S/o Fakira Patil
Age: 70 years, Occ: Agriculture,
R/o: Bramhalinga Galli,
Sulaga (U) Belagavi,
Pin Code: 591108
 3. Smt. Rukmini W/o Balaram Patil
Age: 65 years, Occ: Household Work,
R/: Bramhalinga Galli,
Sulaga (U) Belagavi,
Pin Code: 591108
 4. Sri Jyotinath S/o Balu Patil
Age: 85 years, Occ: Agriculture,
R/o: Bramhalinga Galli,
Sulaga (U) Belagavi,
Pin Code: 591108

5. Sri Prakash S/o Balu Patil
Age: 44 years, Occ: Agriculture,
R/o: Bramhalinga Galli,
Sulaga (U) Belagavi,
Pin Code: 591108
6. Smt. Malutai D/o Balaram Patil
After marriage: Sindhu W/o Shankar
Nevagire Age: 48 years,
Occ: Household Work,
R/o: Bramhalinga Galli,
Sulaga (U) Belagavi,
Pin Code: 591108
7. Smt. Renuka D/o Balaram Patil
After marriage: Renuka W/o Ashok
Jadhav Age: 44 years,
Occ: Household Work,
R/o: Bramhalinga Galli,
Sulaga (U) Belagavi,
Pin Code: 591108
8. Sri Vilas S/o Nagoji Patil
Age: 50 years, Occ: Agriculture,
R/o: Benakanahalli
Tal & Dist: Belagavi,
Pin Code: 591108
9. Smt. Changuna D/o Fakira Patil
After Marriage: Smt Parwati w/o Babu
Shahapurkar Age: 74 years,
Occ: Household work
R/o: Ramnagar, Mannur,
Tal & Dist: Belagavi,
Pin Code: 591108
10. Sri Shettu S/o Bhujang Patil
Age: 78 years, Occ: Agriculture,
R/o: Bramhalinga Galli,
Sulaga (U) Belagavi,
Pin Code-591108

11. Shri Parashuram S/o Bhujang Patil
Age: 62 years, Occ: Agriculture,
R/o: Bramhalinga Galli,
Sulaga (U) Belagavi,
Pin Code-591108
12. Shri Anand S/o Babu Kurangi
Age: 50 years, Occ: Service
R/o: Khasbag, Belagavi,
Pin Code: 590003
13. Smt. Laxmibai D/o Bhujang Patil
After marriage Laxmi W/o Mallappa
Haraji Age: 75 years,
Occ: Household work
R/o: Sambra village
Tal & Dist: Belagavi,
Pin Code: 591124
14. Smt. Renuka w/o Balu Jadhav
Age: 40 years, Occ: Household work
R/o: Vengurla Road, Sulaga,
Tal & Dist: Belagavi,
15. Smt. Balabai d/o Bhujang Patil
After marriage:
Balabai W/o Laxman Haraji
Age: 70 years,
Occ: Household work
R/o Brahamling Galli, Sulaga,
Tal & Dist: Belagavi.
Pin Code: 591 108
16. Smt. Renuka D/o Bhujang Patil
After marriage: Renuka W/o Vaman Patil
Age: 60 years, Occ: Household work
R/o: Kangrali (KH),
Tal & Dist: Belagavi,
Pin Code: 590 010.

(By Sri. P.K. Bagi, Advocate)

V/s.

- RESPONDENTS:**
1. Smt. Mallawwa W/o Monappa
Kalakhambakar Age: 65 yrs,
Occ: Household work
R/o: Bharmhaling Galli,
Sulaga (U), Hindalaga,
Belagavi Pin Code: 591108
 2. Sri Kallappa,
S/o Monappa Kalakhambakar
Age: 45 years, Occ: Agriculture,
R/o: Bharmhaling Galli,
Sulaga (U), Hindalaga,
Belagavi Pin Code: 591108
 3. Smt. Sujata W/o Netaji Kalkhambakar
Age: 35 years, Occu: Household work,
R/o: Bharmhaling Galli,
Sulaga (U), Hindalaga,
Belagavi. Pin Code: 591108
 4. Karuna D/o Netaji Kalkhambakar
Age: 17 years, Occ: Student,
R/o: Bharmhaling Galli,
Sulaga, Hindalaga,
Belagavi. Pin Code: 591108
Since minor represented by her
Mother, Smt. Sujata Defendant No. 3.
 5. Manthan S/o Netaji Kalkhambakar
Age: 12 years, Occ: Student,
R/o: Bharmhaling Galli,
Sulaga, Hindalaga,
Belagavi Pin Code: 591108
Since minor represented by his mother
Smt. Sujata defendant No. 3
 6. Yallappa S/o Gundu Patil,
Age 73 years Occ: Agriculture
R/o: Maragayi Galli,
Sulaga (u) Hindalaga
Belagavi Pin Code: 591108

7. Smt. Narmada W/o Monappa Patil
Age: 60 years, Occ: Household work.
R/o: Maragayi Galli,
Sulaga (u) Hindalaga
Belagavi Pin Code: 591108
8. Sri Umesh S/o Monappa Patil
Age: 40 years, Occ: Agriculture
R/o: Maragayi Galli,
Sulaga (u) Hindalaga
Belagavi Pin Code: 591108
9. Sri Mallappa S/o Gundu Patil
Age: 58 years, Occ: Agriculture
R/o: Margayi Galli,
Sulaga, Hindalaga
Belagavi Pin Code: 591108
10. Sri Laxman s/o Gundu Patil
Age: 72 years, Occ: Agriculture,
R/o: Laxmi Galli,
Sulaga, Hindalaga,
Belagavi. Pin Code: 591108
11. Sri Ramachandra s/o Gundu Patil
Age: 68 years, Occ: Agriculture,
R/o: Benakana Halli Road,
Sulaga, Hindalaga,
Belagavi Pin Code: 591108
12. Smt. Laxmi w/o Shettu Patil
Age: 75 years, Occ: Household work
R/o: Margayai Galli, Sulaga
Tal & Dist: Belagavi Pin Code: 591 108
13. Sri Ashok s/o Shettu Patil
Age: 55 years, Occ: Agriculture,
R/o: Maragayi Galli,
Sulaga, Hindalaga,
Belagavi, Pin Code: 591108

14. Sri Yallappa S/o Shettu Patil
Age: 50 years, Occ: Agriculture,
R/o: Maragayi Galli,
Sulaga, Hindalaga,
Belagavi, Pin Code: 591108
15. Sri Kallappa S/o Shettu Patil
Age: 48 years, Occ: Agriculture,
R/o: Maragayi Galli,
Sulaga, Hindalaga,
Belagavi Pin Code: 591108
16. Smt. Laxmi D/o Gundu Patil
After marriage: Smt. Laxmi
W/o Bharamanni Belagaonkar,
Age: 60 years, Occ: Household work
R/o: Ramling Galli,
Turmari (Uchagaon)
Tal & Dist: Belagavi Pin Code: 591128
17. Sri Prakash s/o Bharma Patil
Age: 50 years, Occ: Agriculture
R/o: Vengurla Road, Sulaga
Tal & Dist: Belagavi
Pin Code: 591108
18. Sri Jyotiba s/o Bharma Patil
Age: 48 years, Occ: Agriculture
R/o: Laxmi Galli, Sulaga
Tal & Dist: Belagavi
Pin Code: 591 108
19. Smt. Shanta D/o Gundu Patil
After marriage Smt. Shanta
W/o Umaji Sambrekar @ Chougule
Age: 60 years, Occ: household work,
R/o: Anagolkar Galli,
Uchagaon, Belagavi
Pin Code: 591108

20. Sri Laxman S/o Mahadev Jadhav
Age: 60 years, Occ: Agriculture
R/o Bharmhaling Galli, Sulaga (U)
Tal & Dist: Belagavi
Pin Code: 591108
21. Sri Ramesh s/o Mahadev Jadhav
Age: 58 years, Occ: Agriculture
R/o Bharmhaling Galli, Sulaga (U)
Tal & Dist: Belagavi Pin Code: 591 108
22. Smt. Bharata D/o Mahadev Jadhav
After marriage:
Bharata Chango Chougule
Age: 56 years, Occ: Household work
R/o: Laxmi Galli, Kadoli village
Tal & Dist: Belagavi Pin Code: 591 143
23. Smt. Ganga d/o Mahadev Jadhav
After marriage:
Ganga W/o Chandrakant Chougule
Age: 54 years, Occ: Household work
R/o: Bastwad village
Tal & Dist: Belagavi Pin Code: 590020
24. Sri Manohar S/o Mallappa Yalagukar
Age: 60 years, Occ: Agriculture
R/o: Ambewadi village,
Tal & Dist: Belagavi Pin Code: 591108
25. The Belgaum Fransalian Society
Represented by its Vice President,
Father Francis Moget Vengurla Road,
Uchagaon viilage
Tal & Dist: Belagavi Pin Code: 591128
26. Sri Suresh S/o Maruti Ghatage
Age: 49 years, Occ: Business
R/o: H.NO.322, Sambaji Nagar,
Ganesh Galli, Vadagon,
Belagavi Pin Code: 590005

27. Shri Parashuram S/o Yallappa Patil
Age: 45 years, Occ: Agriculture,
R/o: Laxmi Galli, Vengurla Road
Sulaga, Hindalaga,
Belagavi. Pin Code: 591108
28. Sri Gajanan S/o Yallappa Patil
Age: 43 years, Occ: Agriculture,
R/o: Laxmi Galli, Vengurla Road
Sulaga, Hindalaga,
Belagavi. Pin Code: 591108
29. Sri Laxman S/o Yallappa Patil
Age: 40 years, Occ: Agriculture,
R/o: Laxmi Galli, Vengurla Road
Sulaga, Hindalaga,
Belagavi Pin Code: 591108
30. Sri Rajendra S/o Bhavakanna Jakane
Age: 47 years, Occ: Agriculture,
R/o: By the side of Tarun Bal Printing
press Vijay Nagar, Hindalaga,
Belagavi. Pin Code: 590108
31. Sri Praveen S/o Mohan Shinde
Age: 45years, Occ: Agriculture,
R/o: 15, Ganesh Nagar,
Hanunam Nagar
Belagavi. Pin Code: 590 001

(Resp No.1 to 5, 24, 25, 27 to 31 Exparte)
(Resp No.6 to 19 by Sri M.S.Bagali, Advocate)
(Resp No.20 to 23 by Sri A.A. Patil, Advocate)
(Resp No.26 by Sri S.G.Kakatkar, Advocate)

ORDER

This petition is filed under Section 24 of Civil Procedure
Code, 1908 ('CPC' for short) to withdraw the suit in OS No.183/2024

pending on the file of III Additional Senior Civil Judge, Belagavi and to transfer the same to the Principal Senior Civil Judge, Belagavi, where the suit in OS No.178/2024 is pending.

2. Case of the petitioners, as made out in the petition, is as follows:

It is the case of the petitioners that they have filed a suit in OS No.183/2024 claiming the decree for declaration, partition and separate possession and same is pending on the file of III Additional Senior Civil Judge, Belagavi. The respondents No.6 to 19 have filed a suit in OS No.178/2024 claiming the decree for declaration, partition and separate possession and same is pending on the file of Prl Senior Civil Judge, Belagavi. Both the suits are now posted for evidence. These suits are between the same parties and in respect of same properties. Hence, it is necessary to club these suits to be tried by the same court. On all these grounds, the petitioners prayed for an order to transfer OS No.183/2024 pending on the file of III Additional Senior Civil Judge, Belagavi to the Principal Senior Civil Judge, Belagavi where suit in OS No.178/2024 is pending.

3. In response to the summons, the respondents No.6 to 9, 20 to 23 and 26 appeared before this court through their counsel, whereas other respondents failed to appear before this court. The respondents have not filed any objections to this petition.

4. I have heard the arguments.

5. The point that arise for my consideration is:

Whether the petitioners have made out grounds for transfer of OS No.183/2024 pending on the file of III Additional Senior Civil Judge, Belagavi to the Principal Senior Civil Judge, Belagavi where suit OS No.178/2024 is pending?

6. My answer for the above point is **in the Affirmative** because of my below discussed reasons:

REASONS

7. The petitioners, along with the petition, have produced the order sheet and plaint relating to OS No.178/2024 and OS No.183/2024. It is evident from these documents that initially the respondents No.6 to 19 herein have filed suit in OS No.178/2024 claiming the decree for declaration, partition and separate possession against the petitioners and other respondents. Subsequently, the petitioners herein have filed

another suit in OS No.183/2023 against the respondents claiming the decree for declaration, partition and separate possession. The suit in OS No.183/2024 was made over to III Additional Senior Civil Judge, Belagavi whereas, the suit in OS No.178/2024 is pending on the file of the Principal Senior Civil Judge, Belagavi. The plaint of both the suits goes to show that both the suits are in between the same parties and in respect of same subject matter. In order to avoid conflicting of judicial pronouncement, it is just and necessary that these suits are to be tried by the same court. If these suits are tried by the different courts, there is possibility of conflicting judicial pronouncements, which will prejudice both the parties.

8. The respondents have not filed any objections disputing the petition. During the course of argument, the learned counsel for the respondent No.26 has filed a memo with plaint and written statement relating to OS No.979/2020 and OS No.1000/2020 pending before the Principal Civil Judge, Belagavi and contended that these suits are also between the same parties and needs to be tried together. The plaint of those suits goes to show that those suits were filed before the court of Civil Judges, to claim the relief of specific performance and subject matter of dispute involved in

those suits are altogether different. Therefore, there is no need to transfer those suits to try along with these suits.

9. If the respondents claim that those suits are also to be tried by the same court, they have to file a separate petition for transfer and same cannot be considered in this petition. Considering all these aspects, I hold that it is a fit case to pass an order for transfer one of these suits, so that both the suits can be tried by the same court. Since the earlier suit instituted in OS No.178/2024 pending on the file of Principal Senior Civil Judge, Belagavi, the subsequently instituted suit in OS No.183/2024 pending on the file of III Additional Senior Civil Judge, Belagavi requires to be transferred to the said court. Hence, by answering the above point **in the Affirmative**, I proceed to pass the following:

ORDER

The petition filed by the petitioners under Section 24 of Civil Procedure Code is allowed.

The suit in OS No.183/2024 pending on the file of III Additional Senior Civil Judge Belagavi is withdrawn and transferred to Principal Senior Civil Judge, Belagavi, where

the suit in OS No.178/2024 is pending, for common disposal in accordance with the law.

I direct both the parties to bear their respective costs.

(Dictated to the Stenographer Grade-III, after transcription, computerized and print out taken by him, corrected, signed and then pronounced by me in the Open Court on this **20th day of June 2026**)

**(Manjunath Nayak),
Prl. District & Sessions Judge,
Belagavi.**