



DATED THIS THE 16th DAY OF JULY 2026

Misc. No.511/2025

PETITIONERS:

1. Sri Pandurang @ Pandu Balappa Naik.
Age: 81 years, Occ: Agriculture,
R/o: Prabhuwadi- Chikodi,
TQ: Chikodi, Dist: Belagavi – 591201.
2. Sri Shridhar @ Pintu
Pandurang @ Pandu Balappa Naik.
Age: 45 years, Occ: Agriculture,
R/o: Prabhuwadi- Chikodi,
TQ: Chikodi, Dist: Belagavi - 591201.

(By Sri S.T. Munnoli, Advocates)

V/s

RESPONDENTS:

1. Sri Mohammadrafiq Umarsab Maniyar
Age: 75 years, Occ: Agriculture,
R/o: Phool Galli, Chikodi,
Tq: Chikodi, Dist: Belagavi.
2. Sri Prabhu Balappa Naik
Age: 76 years, Occ: Agriculture,
R/o: R.S. No.79/2A Chinchani,

Chikodi-Nipani Road,
Tq: Chikodi, Dist: Belagavi.

(R-1 by Sri K.R. Tangade, Advocate)
(Resp No.2 and 3 exparte)

ORDER

This petition is filed under Section 24 of Civil Procedure Code, 1908 ('CPC' for short) to withdraw the suit in OS No.253/2015 pending on the file of I Addl. Civil Judge, Chikodi and transfer the same to the Senior Civil Judge, Chikodi, wherein the suit in OS No.208/2016 is pending.

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

The respondent No.1 has filed a suit in OS No.253/2015 before the I Addl. Civil Judge, Chikodi against the petitioners and the respondent No.2 and 3, claiming the relief of declaration in respect of the house property bearing GPC No.1063 situated in R.S.No.79 and consequential relief of injunction. The respondent No.1 filed another suit in OS No.208/2016 before the Senior Civil Judge, Chikodi against the petitioner No.1 and the respondent No.2, claiming the relief of declaration of title by adverse

possession in respect of 01 acre 02 guntas of land in R.S.No.79/2B. Both the suits are in respect of the same subject matter and in between the same parties. The controversy in both the suits are one and the same. Therefore, it is just and necessary that these suits are to be tried by the same Court. On these grounds, the petitioners prayed for an order for transfer of the suit in OS No.253/2015 pending on the file of I Addl. Civil Judge, Chikodi to the Senior Civil Judge, Chikodi, wherein the suit in OS No.208/2016 is pending.

3. The respondent No.1 appeared before this Court through his counsel, whereas, the respondent No.2 and 3 failed to appear before this Court. The respondent No.1 filed objections to this petition and contended that the petition is not maintainable in law or on facts. The relief claimed in both the suits are different and they are in respect of the different properties. The manner of plaintiff claiming title and right in those suits are also different. Therefore, there is no need for clubbing of these suits and adjudication of these suits by the same Court. The petitioners have filed this petition to drag on the proceedings. On these

grounds, respondent No.1 prayed for dismissal of the petition with costs.

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 suit in OS No.253/2015 pending on the file of I Addl. Civil Judge, Chikodi to Senior Civil Judge, Chikodi, where the suit in OS No.208/2016 is pending?

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

REASONS

7. Along with this petition, petitioners have produced certified copy of the plaint relating to OS No.253/2015 and OS No. 208/2016. It is evident from these documents that initially the respondent No.1 herein has filed the suit in OS No.253/2015 before the I Addl. Civil Judge, Chikodi claiming the relief of declaration of his ownership over the house property bearing GPS No.1063 in R.S.No.79 of Chinchani village and consequential relief of permanent injunction. The said suit is filed against these

petitioners and the respondent No.2 and 3. Subsequent to filing of the said suit, the respondent No.1 filed another suit in OS No.208/2016 before the Senior Civil Judge, Chikodi against the petitioner No.1 and the respondent No.2 claiming the relief of declaration of title by way of adverse possession and injunction. In the said suit, the respondent No.1 claimed the decree to declare him as absolute owner of 01 acre 02 guntas of land in R.S.No.79/2B and for permanent injunction.

8. Even though both the suits are filed by the respondent No.1, the relief claimed in both the suits, properties involved in both the suits and the parties to the suit are different. The suit in OS No.253/2015 is filed by the respondent No.1 against the petitioners and the respondent No.2 and 3, whereas, the suit in OS No.208/2016 only the petitioner No.1 and the respondent No.1 and 2 are the parties. The suit property involved in the suit in OS No.253/2015 is a house property in R.S.No.79, whereas the suit property involved in the suit in OS No.208/2016 is the landed property measuring 01 acres 02 guntas in R.S.No.79/2B. So, in respect of different properties, these two suits were filed.

9. More importantly, the relief of declaration claimed in both the suits are also quite different. In the suit in OS No.253/2015, the relief of declaration of ownership is claimed on the basis of the title, whereas, in OS No.208/2016, the relief for declaration of ownership has been claimed on the basis of adverse possession. Considering all these differences in between these two suits, there is no need for clubbing of these suits. These two suits do not need common adjudication by the same court.

10. Even if these suits need common adjudication, the petitioners would have approached this Court immediately after filing the suits. They would not have waited for 10 years to file this petition. One of the suit was filed during the year 2015 and another suit was filed during the year 2016. From 2016 to 2026 the petitioners have not initiated any action for transfer of the suit. Therefore, the petition lacks bonafide and suffers from delay and latches. Considering these aspects, I have not found any ground to allow the petition and transfer the suit. Therefore, by answering the above point **in the Negative**, I proceed to pass the following:

ORDER

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

I direct both the parties to bear their respective costs.

(Dictated to the Stenographer Grade-III, after transcription, computerized and print out taken by her, corrected, signed and then pronounced by me in the Open Court on this **16th day of July 2026**)

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