



DATED THIS THE 24th DAY OF JUNE 2026

Misc. No.139/2024

PETITIONERS:

1. Smt. Shahida Mohammad Jamadar
Age: 55 years, Occ: Household work,
R/o: Bireshwar Nagar, Sankeshwar,
Tq: Hukkeri, Dist: Belagavi.
2. Smt. Alfiya Saddam Jamadar,
Age: 30 years, Occ: Household work,
R/o: Bireshwar Nagar, Sankeshwar,
Tq: Hukkeri, Dist: Belagavi.

V/s

RESPONDENT: Smt. Swaliha @ Saliya
Jairuddin Shabashkhan
Age: 28 years, Occ: Household work,
R/o: Hebbal, Tq: Hukkeri,
Dist: Belagavi.

(By Sri A.B. Todal, Advocate)

ORDER

This petition is filed under Section 24 of Civil Procedure Code, 1908 ('CPC' for short) to withdraw the suit in OS No.100/2023 pending on the file of Addl. Civil Judge, Sankeshwar and transfer the same to the Senior Civil Judge, Hukkeri, wherein the suit in OS No.221/2023 is pending.

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

The son of the petitioner No.1 by name Saddam Mohammad Jamadar died, when he was in service in military and for getting his service benefits, there are two suits filed, one before the Senior Civil Judge, Hukkeri in OS No.221/2023 and another before Civil Judge, Sankeshwar in OS No.100/2023. The suit in OS No.221/2023 was filed by these petitioners before the Senior Civil Judge, Hukkeri, whereas, the suit in OS No.100/2023 was filed by the respondent before the Civil Judge, Sankeshwar. Both these suits are between the same parties and in respect of the same subject matter i.e. Service and monitory benefits left behind by late Saddam Mohammad Jamadar. Hence, it is just and necessary

that these suits have to be tried by the same Court. If these suits are tried by different Courts, there is possibility of conflicting judicial verdicts, which will prejudice both the parties. Considering the same, the petitioners prayed for an order for transfer of the suit in OS No.100/2023 pending on the file of Civil Judge, Sankeshwar to the Senior Civil Judge, Hukkeri, wherein the suit in OS No.221/2023 is pending.

3. In response to notice, the respondent appeared before this Court through her counsel and filed objections to this petition and contended that after the respondent filed the suit in OS No.100/2023 before the Civil Judge, Sankeshwar, the petitioners have filed the suit in OS No.221/2023 before the Senior Civil Judge, Hukkeri in order to harass the respondent. Since, the suit filed by the respondent is for the relief of declaration and permanent injunction pending before the Civil Judge, Sankeshwar, the petitioners have sought the relief of declaration in their suit, which is not maintainable. On these grounds, respondent 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.100/2023 pending on the file of Civil Judge, Sankeshwar to Senior Civil Judge, Hukkeri, where the suit OS No.221/2023 is pending?

6. My answer for the above point is **in the Affirmative**

because of my below discussed reasons:

REASONS

7. Along with this petition, the petitioners have produced certified copy of the plaint and order sheet relating to OS No.100/2023 pending on the file of Civil Judge, Sankeshwar and OS No.221/2023 pending on the file of Senior Civil Judge, Hukkeri. It is evident from the documents on record that initially the suit in O.S.No.11/2023 was filed by the respondent herein against the petitioner No.1 claiming the relief of permanent injunction restraining the respondent from withdrawing the service benefits of her deceased husband Saddam Mohammad Jamadar. That suit was filed during March-2023 and now it is pending before Addl. Civil Judge, Sankeshwar. In the meanwhile, in the month of August-

2023, the petitioners have filed the suit in OS No.221/2023 before the Senior Civil Judge, Hukkeri and claimed the relief that the petitioner No.2 is the legally wedded wife of deceased Saddam Mohammad Jamadar and permanent injunction against the respondent herein to restrain her from withdrawing the service benefits.

8. From the plaint averments of both these suits, it is quite clear that both the parties claiming right over the service benefits of one Saddam Mohammad Jamadar, who is son of the petitioner No.1 and the respondent is the first wife, whereas, the petitioner No.2 is the second wife of Saddam Mohammad Jamadar.

9. If these two suits are tried by the different Courts, there is possibility of conflicting judicial verdicts, which will prejudice both the parties. In order to avoid the same, it is just and proper that one of the suit has to be transferred and made over to the another Court, so that both the suits can be tried by the same Court. Since, the suit in OS No.221/2023 is pending before the Senior Civil Judge, Hukkeri, suit pending before the Civil Judge, Sankeshwar in OS No.100/2023 required to be transferred. Both

parties will not be prejudiced by the transfer and adjudication of the both the suits by the same Court. Rather it will help both the parties. Therefore, it is just and proper to pass an order for transfer of the suit. Accordingly, 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.100/2023 pending on the file of Civil Judge, Sankeshwar is withdrawn and transferred to Senior Civil Judge, Hukkeri, where the suit in OS No.221/2023 is pending, for common disposal in accordance with 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 her, corrected, signed and then pronounced by me in the Open Court on this **24th day of June 2026**)

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