

KABG010001272026



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

DATED THIS THE 24th DAY OF JULY, 2026

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

Misc. No.02/2026

PETITIONER: Smt. Siddavva W/o Sabanna Hadignal,
Age: 73 years, Occ: Nil,
R/o: Melavanki, Tal: Gokak,
Dist: Belagavi.

(By Sri A.B. Koni, Advocate)

V/s.

RESPONDENTS:

1. Sri Sindalingavva Basappa Vanaki,
Age: 47 years, Occ: Household,
R/o: Kolavi, Tal: Gokak, Dist: Belagavi.
2. Smt. Shobhavva Shivarai Vanaki,
Age: 45 years, Occ: Household,
R/o: Kolavi, Tal: Gokak, Dist: Belagavi.
3. Neelavva W/o Sidaram Kamagoudar,
Age: 43 years, Occ: Household,
R/o: Kabbur, Tal: Chikkodi,
Dist: Belagavi.
4. Sanjuta Iranna Hadignal,
Age: 38 years, Occ: Household,
R/o: Melavanki Now residing at
Nooli, Tal: Gadhinglaj, Dist: Kolhapur

5. Nivedita D/o Iranna Hadignal,
Age: 09 years, Occ: Student,
R/o: Melavanki Now residing at
Nooli, Tal: Gadhinglaj, Dist: Kolhapur
(Since respondent No.5 is minor
R/by respondent No.4 as a next friend
natural guardian of natural mother)
6. Sri Basappa Sabanna Hadignal,
Age: 45 years, Occ: Agriculture,
R/o: Melavanki, Tal: Gokak,
Dist: Belagavi.
7. Gouravva Ajappa Arabhavi,
Age: 37 years, Occ: Household,
R/o: Belakud, Tal: Chikkodi,
Dist: Belagavi.
8. Smt Basavva Mahadev Mutanali,
Age: 35 years, Occ: Household,
R/o: Belakud, Tal: Chikkodi,
Dist: Belagavi.
9. Bhimappa Sabanna Hadignal,
Age: 33 years, Occ: Agriculture,
R/o: Melavanki, Tal: Gokak,
Dist: Belagavi.
10. Shankar @ Shakargouda
Sabanna Hadignal,
Age: 31 years, Occ: Agriculture,
R/o: Melavanki, Tal: Gokak,
Dist: Belagavi.

(Placed Exparte)

ORDER

This petition is filed under Section 24 of Civil Procedure Code, 1908 ('CPC' for short) to transfer the suit in OS No.328/2018

pending on the file of Civil Judge, Hukkeri to the court of II Additional Civil Judge, Gokak, where the suit in OS No.505/2018 is pending.

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

It is the case of the petitioner that she has filed suit in OS No.328/2018 before the Civil Judge, Hukkeri against the respondents No.4 and 5 claiming the decree for partition and separate possession in respect of RCC building situated at Hukkeri town. The respondents No.6 and 10 have filed suit in OS No.505/2018 before the II Additional Civil Judge, Gokak against the petitioner and respondents No.1 to 5 and 7 to 9 claiming the decree for partition in respect of landed property situated at Chigaroli and Melavanki village and also house situated at Hukkeri town. The house property at Hukkeri is included in both the suits. If both the suits are tried by different courts, there is possibility of conflicting decisions and it will prejudice and cause inconvenience to both the parties. In order to avoid the same, it is just and necessary to transfer the suit in OS No.328/2018 pending on the file of Civil Judge, Hukkeri to II Additional Civil Judge, Gokak where the suit in OS No.505/2018 is pending. On all these grounds, the

petitioner prayed for an order for withdrawal of OS No.328/2018 pending on the file of Civil Judge, Hukkeri and to transfer the same to II Additional Civil Judge, Gokak.

3. The respondents failed to appear before this court in spite of service of notice and accordingly, they were placed exparte.

4. I have heard the arguments.

5. The point that arise for my consideration is:

Whether the petitioner has made out any grounds for transfer of suit in OS No.328/2018 pending on the file of Civil Judge, Hukkeri to II Additional Civil Judge, Gokak where the suit in OS No.505/2018 is pending?

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

REASONS

7. Along with the petition, petitioners have produced the order sheet and plaint relating to OS No.328/2018 pending on the file of Civil Judge, Hukkeri and order sheet and plaint relating to OS No.505/2018 pending on the file of II Additional Civil Judge, Gokak. It is evident from the materials on record that the petitioner herein

has filed suit in OS No.328/2018 before the Civil Judge, Hukkeri claiming the decree for partition and separate possession in respect of the property measuring 01 gunta in Survey Number 115/D of Hukkeri town. The said suit was filed by the petitioner against the respondents No.4 and 5. Subsequently, the respondent No.6 and 10 herein have filed a suit in OS No.505/2018 before the Civil Judge, Gokak against the petitioner and other respondents claiming the decree for partition and separate possession. The plaint in OS No.505/2018 reveals that the said suit includes 04 items of landed properties situated at Chigaroli and Melavanki village of Gokak and also house property in RS No.115/D, Plot No.6 of Hukkeri town. So the house property in Hukkeri town is the subject matter of both the suits, where decree for partition and separate possession has been claimed. Since the landed property involved in OS No.505/2018 situated at Gokak Taluk, suit in OS No.505/2018 is filed before the Civil Judge, Gokak.

8. If these suits are tried by different courts, there is possibility of conflicting judicial pronouncement, which will prejudice both the parties. In order to avoid the same, I feel it is just and proper that the suit in OS No.328/2018 pending on the file

of Civil Judge, Hukkeri needs to be transferred to II Additional Civil Judge, Gokak where the suit in OS No.505/2018 is pending. Both the parties will not be prejudiced by the transfer of the suits. Rather, it will help both the parties. Considering the same, I hold that the petition deserves to be allowed. Accordingly, by answering the above point **in the Affirmative**, I proceed to pass the following:

ORDER

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

The suit in OS No.328/2018 pending on the file of Civil Judge, Hukkeri is withdrawn and transferred to II Additional Civil Judge, Gokak where suit in OS No.505/2018 is pending, for 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 him, corrected, signed and then pronounced by me in the Open Court on this **24th day of July 2026**)

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