

KABR010004682025



**IN THE COURT OF THE PRINCIPAL DISTRICT AND  
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,  
BENGALURU.**

Present:

**Smt.B.S. REKHA.,** B.A.(LAW), LL.M.  
Principal District & Sessions Judge  
Bengaluru Rural District,  
Bengaluru.

Dated this the 17<sup>th</sup> day of March, 2026.

**Civil Misc.No.14/2025**

**Petitioner:-**

1. Smt. Chandamma M.,  
D/o Late Patel Muniswamaiah  
alias Munishami,  
Aged about 58 years,
2. Smt. Kamamma M.,  
D/o Late Patel Muniswamaiah  
alias Munishami,  
Aged about 56 years,

1 and 2 are R/at  
Ramakrishnapura Village,  
Jigani Hobli,  
Anekal Taluk,  
Bangalore Urban District.

3. Smt. Umadevi M.,  
D/o Late Patel Muniswamaiah  
alias Munishami,

Aged about 54 years,  
R/at Telagrahalli Village,  
Kasaba Hobli,  
Anekal Taluk,  
Banglore District.

*(By Sri N.V.-Advocate)*

**-VERSUS-**

- Respondent:**
1. Sri. M.Yallappa alias M.Eallappa,  
D/o Late Patel Muniswamaiah  
alias Munishami,  
Aged about 70 years,
  2. Smt. K.Lalitha,  
W/o M.Yallappa alias M.Eallappa,  
  
1 and 2 are r/at R.K School near  
Ramakrishnapura Village,  
Jigani Hobli,  
Anekal Taluk,  
Banglore Urban District.
  3. Smt. Puttamma,  
D/o Late Patel Muniswamaiah  
alias Munishami,  
Aged about 68 years,  
R/at Huskur Village,  
Sarjapura Hobli,  
Anekal Taluk,  
Banglore Urban District.
  4. Smt. Rukkamma,  
D/o Late Patel Muniswamaiah  
alias Munishami,

Aged about 66 years,  
R/at. Iggaluru Village,  
Attibele Hobli,  
Anekal Taluk,  
Bengaluru Urban District.

5. Smt. Balamma,  
D/o Late Patel Muniswamaiah  
alias Munishami,  
Aged about 64 years,  
R/at Ramakrishnapura Village,  
Jigani Hobli,  
Anekal Taluk,  
Bangalore Urban District.
6. Smt. Janakamma,  
D/o Late Patel Muniswamaiah  
alias Munishami,  
R/at Near Karagadhamma Temple,  
Anekal Taluk,  
Bengaluru Urban District.
7. Smt. Sneha  
W/o Late Krishnappa,  
D/o Sampagappa,  
aged about 27 years,
8. Sri. Master Pushpakar Patel,  
S/o Late Krishnappa,  
aged about 08 years,

Defendant No.8 is minor  
Represented by his mother  
Respondent No.7.

Respondent No.7 and 8

R/at Choodagodahalli Village,  
Hosur Taluk,  
Krisnagiri District,  
Tamilnadu.

*(R1, 2 & 7- Absent)*

*(R3 to 6- Sr. S.P-Advocate)*

*(R8 Minor)*

### **ORDER**

Petitioners have filed this petition under Section 24 of CPC praying for transfer of O.S.No.1005/2023 on the file of Prl. Senior Civil Judge & JMFC, Anekal, Rural District, Bengaluru to the Court of II Addl. Senior Civil Judge & JMFC, Anekal, Rural District, Bengaluru where O.S.No.857/2013 is pending and for other reliefs.

2. The contention of petitioners is that they have filed O.S.No.1005/2023 against respondents for partition and other reliefs in respect of land bearing Old Sy.No.78/2, New Sy.No.78/10 measuring 1 acre 10 guntas situated at Iggaluru village, Attibele Hobli,

Anekal Taluk and it is pending before & Prl. Senior Civil Judge & JMFC, Anekal, Rural District, Bengaluru. Likewise, the respondent No.1 has filed O.S.No.857/2013 against the petitioners and other respondents herein for partition and others reliefs in respect of land bearing Old Sy.No.74/1, New Sy.No.78/1 measuring 4 acres; Sy.No.87/1 measuring 19 guntas; Old Sy.No.87/2 measuring 10 guntas; Old Sy.No.87/2 measuring 9 ½ gunbtas situated at Iggaluru village, Attibele Hobli, Anekal Taluk and in respect of other properties. The subject matter and the parties in both suits are common. The reliefs sought in both suits are for partition in respect of the suit schedule properties therein. Hence, it is necessary to transfer the suits as prayed for and to rely common evidence and enable them to avoid multiplicity of proceedings and conflicting findings. Hence, prays to allow the petition.

3. In response to the service of notice, though respondent No.3 to 6 appeared before the Court through their counsels have not filed their objections and submits no objections to allow the petition. Whereas, the other respondents have not appear before the Court to contest the petition.

4. Heard arguments of the petitioner. The respondents have not addressed their arguments, though opportunity was provided for the same.

5. On the basis of the above pleadings, the points that arise for consideration are:

- 1. Whether the petitioners are entitle for transfer of O.S.No.1005/2023 on the file of Prl. Senior Civil Judge & JMFC, Anekal, Rural District, Bengaluru to the Court of II Addl. Senior Civil Judge & JMFC, Anekal, Rural District, Bengaluru where O.S.No.857/2013 is pending?*

2. *Whether clubbing of the aforementioned suits is required as sought?*

3. *What order?*

6. Finding of this Court on the above points are as under:

Point No.1 : ***In affirmative;***

Point No.2 : ***In Negative.***

Point No.3 : As per final order for the *following:*

### **REASONS**

7. **Point No.1:** On perusal of the records, it can be seen that the petitioners and respondent No.1 and 3 to 6 are the sons and daughters of Patel Muniswamaiah @ Munishami. The respondent No.2 is the wife of respondent No.1. The respondent No.7 & 8 are the wife and son of one of the sons by name Krishnappa (dead).

8. The petitioners have filed O.S.No.1005/2023 against the respondents for partition in respect of

property bearing Old Sy.No.78/2, New Sy.No.78/10 measuring 1 acre 10 guntas situated at Iggaluru village, Attibele Hobli, Anekal Taluk. The respondent No.1 has filed O.S.No.857/2013 against the petitioners and other respondents herein for partition and others reliefs in respect of land bearing Old Sy.No.74/1, New Sy.No.78/1 measuring 4 acres; Sy.No.87/1 measuring 19 guntas; Old Sy.No.87/2 measuring 10 guntas; Old Sy.No.87/2 measuring 9 ½ guntas situated at Iggaluru village, Attibele Hobli, Anekal Taluk and in respect of Sy.No.8 measuring 27-¼ guntas situated at Ramakrishnapura village, Jigani Hobli, Anekal Taluk, Bengaluru District.

9. On going through the records, the petitioners and the respondents are related to each other and that they have filed the suits for partition and separate possession of their shares in the suits filed by them.

Moreover, the reliefs sought is for partition in both the suits and most of the parties are also same in both suits. Furthermore, the respondent No.3 to 6 have submitted that they have no objection to allow the petition. Hence, as the suits are in between the same parties, it would be just and proper to allow the petition to avoid conflicting decisions.

10. Therefore, O.S.No.1005/2023 being the subsequent suit pending on the file of Prl. Senior Civil Judge & JMFC, Anekal, Rural District, Bengaluru is withdrawn and transferred to the Court of II Addl. Senior Civil Judge & JMFC, Anekal, Rural District, Bengaluru where O.S.No.857/2013 is pending, it would meet the ends of justice. Accordingly, Point No.1 is answered ***in Affirmative.***

11. **Point No.2:-** As far as the relief of clubbing is concerned, that can be granted only by the court where

the suits are pending. It is not the purview of S.24 CPC to club the suits. Hence, this relief cannot be granted. Accordingly, point No.2 is answered in **negative**.

12. **Point No.3:-** Thus, in view of findings on Point No.1 & 2, this Court proceeds to pass the following:-

**O R D E R**

The petition filed U/S.24 C.P.C is **partly allowed**.

O.S.No.1005/2023 on the file of Prl. Senior Civil Judge & JMFC, Anekal, Rural District, Bengaluru is withdrawn and transferred to the Court of II Addl. Senior Civil Judge & JMFC, Anekal, Bengaluru Rural District, Bengaluru where O.S.No.857/2013 is pending.

Parties are at liberty to make an application for clubbing of cases, if they are so advised.

Send copy of this order to the Courts for compliance.

Under facts and circumstances of the case, both parties are directed to bear their own costs.

*(Dictated to the Stenographer Grade-I, transcribed by him, corrected, signed and pronounced by me in the open Court on this the 17<sup>th</sup> day of March, 2026)*

**(B.S.Rekha)**

Prl. District & Sessions Judge,  
Bengaluru Rural District,  
Bengaluru.