

KABR010053162023



**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 17th day of March, 2026.

Civil Misc.No.180/2023

Petitioner:-

1. Sri Chandrappa,
S/o Late Papanna,
R/at Saluhunase Village,
Udayapura,
Uttarahalli Hobli,
Bengaluru South Taluk 560 052.

(By Sri K.R.C.-Advocate)

-VERSUS-

Respondent:

1. Sri.Rajappa,
S/o Kumarappa,
2. Smt.Shakunthala,
W/o Rajappa,
3. Sri.Venkatesh,
Since dead by his LRs

3(a) Smt.Amaravathi,
W/o late Venkatesh,
Aged about 60 years,

3(b) Smt.Rukminl,
D/o Late Venkatesh,
Aged about 40 years,

3(c) Sri.Manjunath,
S/o Late Venkatesh,
Aged about 33 years,

3(d) Sri.Jagadish,
S/o Late Venkatesh,
Aged about 30 years,

3(a) to 3(d) are r/at
Saluhunase Village,
Udayapura Post,
Uttarahalli Hobli,
Bengalore South Taluk,
Bengaluru-560052

4. Sri.Raju,
S/o Muniyappa,

5. Sri.Srinivas,
S/o Muniyappa,

6. Sri.Mastaiah,
S/o Muniyappa

7. Sri.Badraiah,
Since dead by his LR.,

7(a) Smt.Shyla,

W/o Late Badraiah,
Aged about 32 years,
r/at Kaggalipura,
Kaggalipura Post,
Uttarahalli Hobli,
Bengaluru-560082

8. Sri.Venkatappa,
S/o Late Muniyappa,
9. Sri Veerabhadra,
S/o late Muniyappa,
10. Sri.Hanumaiah,
S/o Late Doddakempaiah,
11. Smt.Ratnamma,
W/o Rudrappa,

No.1 to 11 are residing at
Saluhunase Village,
Udayapura Post,
Uttarahalli Hobli,
Bengaluru South Taluk-560052

12. Ramakrishna,
S/o Anjaneyachar,
Aged about 43 years,
R/at No.266/308,
Next to SVVK School
Ballery Road,
Bytarayanapura,
Bengaluru-560092.

Also at No.10/1,
Lakshminarayana Complex,
Palace Road,

Vasanthanagara,
Bengaluru-560052.

13. Madhukar G Appaji,
Aged about 57years,
S/o Gurappaji,
R/at Sy.No.59/4B
Sunkadakatte,
Somanahalli,
G,P Bolare Post,
Off Kanakapura Road,
Uttarahalli Hobli,
Bengaluru-560082.

14. Smt.Susheelamma,
W/o D.Narayana,
Aged about 50 years,
R/at Narayanapura,
Dooravani Nagar
Old Madras Road,
Bengaluru-560016.

(R1,2,3(a,c,d), 4 to 6,8 & 9-Exparte)
(R10 by Sri V.K-Advocate)
(R3(b)- Absent)
(R12 by Sri R.D.R-Advocate)
(R13 by Sri K.H.T-Advocate)
(R14 by Sri A.M-Advocate)

ORDERS

Petitioner has filed this petition under Section 24 of
CPC praying to for transfer and clubbing

O.S.No.918/2021 from II Addl. Civil Judge, Bengaluru Rural District, Bengaluru to the Court of Prl. Senior Civil Judge, Bengaluru Rural District, Bengaluru where O.S.No.2470/2022 is pending.

2. The contention of petitioner is that the property bearing Sy.No.210 is the subject matter of O.S.No.2470/2022 and O.S.No.918/2021. The respondent No.13 filed O.S.No.2470/2022 for declaration in respect of his alleged share measuring 14 guntas in Sy.No.210 of Kaggalipura village, Uttarahalli Hobli, Bengaluru South Taluk and it is pending before Prl. Senior Civil Judge, Bengaluru Rural District, Bengaluru. Whereas, the respondent No.14 filed O.S.No.918/2021 in respect of the subject property for the relief of permanent injunction against the petitioner and other respondents and it is pending before II Addl. Civil Judge, Bengaluru Rural District, Bengaluru. In both the suits, the evidence is not yet

commenced. The issues involved in both matters are same and interlinked to each other and that the suit schedule property of both the suits are same. In order to avoid conflict of decisions in the suits, it is just and necessary that both the suits be tried together. Hence, the petition.

3. On the other hand, the respondent No.10 filed objections stating that the petition is not maintainable either in law or on facts and is liable to be dismissed. The respondent while denying para No.3 of the petition has stated that he is the absolute owner in peaceful, lawful and physical possession and enjoyment of property bearing Sy.No.210/2 measuring 36 guntas out of 4 acres 27 guntas pursuance of Panchayath Palupatti dated 13.03.1982. He partly admits that Sy.No.210 is the subject matter of O.S.No.2470/2022 and O.S.918/2021. He is not a party to O.S.No.981/2021 and the subject matter of the suit are

also different than that of O.S.No.2470/2022 and parties are also not one and the same. Hence, among other grounds, he prayed to dismiss the petition with exemplary costs.

4. The respondent No.13 also filed objections to the petition stating that the petition is not maintainable either in law or on facts and is liable to be dismissed. According to him, he acquired Sy.No.210 measuring 3 acres 10 guntas of Kaggalipura village, through registered sale deed on 13.08.2003 and got transferred the revenue records in his name and is in continuous peaceful, lawful, physical possession of the same. He admits that he has filed O.S.,No.2470/2022 for declaration and injunction and it is pending before Prl. Senior Civil Judge, Bengaluru Rural District, Bengaluru. He also admits that respondent No.14 filed O.S.No.918/2021. The reliefs sought in both suits are different and clubbing these matters and recording

common evidence is not possible in practical. Hence, prayed to dismiss the petition.

5. Heard arguments. As there was no representation from the respondents side, their arguments taken as not addressed.

6. On the basis of the above facts, the points that arise for consideration are:

1. *Whether the petitioner is entitle for transfer of O.S.No.918/2021 on the file of II Addl. Civil Judge, Bengaluru Rural District, Bengaluru to the Court of Prl. Senior Civil Judge, Bengaluru Rural District, Bengaluru where O.S.No.2470/2022 is pending?*
2. *Whether clubbing of the aforementioned suits is required as sought?*
3. *What order?*

7. 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

8. **Point No.1:** On perusal of the records, the respondent No.13 filed O.S.No.2470/2022 for declaration in respect of his alleged share measuring 14 guntas in Sy.No.210 of Kaggalipura village, Uttarahalli Hobli, Bengaluru South Taluk and it is pending before Prl. Senior Civil Judge, Bengaluru Rural District, Bengaluru. Whereas, the respondent No.14 filed O.S.No.918/2021 in respect of the subject property for the relief of permanent injunction against the petitioner and other respondents and it is pending before II Addl. Civil Judge, Bengaluru Rural District, Bengaluru. The suit schedule property in both the suits are same along with their boundaries. Even if

some of the parties are different in both suits, since the subject matter in dispute relates to same survey number, it would be feasible to transfer both suits to one Court for their effective adjudication. However, since the suit in O.S.No.2470/2022 is filed for declaration and injunction, which is a comprehensive suit and pending before Prl. Senior Civil Judge, Bengaluru Rural District, Bengaluru, it would be just and proper that other suit pending before II Addl. Civil Judge, Bengaluru Rural District, Bengaluru, be transferred to the Court where O.S.No.2470/2022 is pending to avoid multiplicity of proceedings and divergent opinions from the Courts. Accordingly, Point No.1 is answered *in Affirmative*.

9. 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***.

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

ORDER

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

O.S.No.918/2021 on the file of II Addl. Civil Judge, Bengaluru Rural District, Bengaluru is withdrawn and transferred to the Court of Prl. Senior Civil Judge, Bengaluru Rural District, Bengaluru where O.S.No.2470/2022 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 17th day of March, 2026)

(B.S.Rekha)

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