

O.S.NO.210/2015

**IN THE COURT OF THE ADDL. CIVIL JUDGE AND J.M.F.C
AT TARIKERE**

O.S. No.210/2015

Plaintiffs

vs.

Defendants

Nanjundappa and another

Shivakumar and another

Date: 07.04.2025

Proceedings or Orders of the Judicial Officer

ORDER ON I.A.NO.IX

When the matter is set down for further chief examination of DW.2, the present I.A., is filed.

2. The defendants have filed the instant I.A., under Section 151 of CPC with a prayer to stay all the further proceedings in view of the stay order granted by Hon'ble High Court of Karnataka in W.P.No.18928/2023.

3. The I.A., is supported with the affidavit of the defendant No.1. It is stated in the affidavit that the plaintiffs have filed the above suit in respect of property bearing Sy.No.13/1 of Jannapura village, Amruthapura Hobli, Tarikere Taluk by alleging that the defendants have interfered with the plaintiff's possession over the suit schedule property. But in fact, the plaintiffs are not in possession of any such property. The sole purpose behind the suit is to grab the defendants property. Hence, the defendants have approached Hon'ble High Court of Karnataka by filing

O.S.NO.210/2015

W.P.No.18928/2023, wherein on 15.11.2023 the Hon'ble High Court of Karnataka has passed the following orders which runs as follows : "The learned Additional Government Advocate accepts notice for respondents 1 to 5. Issue emergent notice to respondents 6 and 7. In the meanwhile there shall be stay of all further proceedings pursuant to order dated 17.06.2023 passed by the respondent No.2 till the next date of hearing". It is further stated that in view of the said order, the present case has to be stayed. Hence, this I.A.

4. The copy of the I.A., was served to the other side. The plaintiffs have filed detailed objections and resisted the I.A., filed by the defendants and contended that there is no stay of any orders passed by this court to stay the proceedings and further submitted that the affidavit reveals that further proceedings passed by the respondent No.2 dated 17.06.2023 is stayed till next date of hearing. Neither the case was posted nor order was passed by this court on 17.06.2023. It is further contended that the case was posted to further chief of DW.2 on 13.06.2023, from the said date the case was posted to 16.08.2023, therefore there was no hearing of this case on 17.06.2023. Therefore, the present application is devoid of merits. For all theses grounds, the plaintiffs pray for to reject the I.A., with cost.

5. Heard arguments on both sides.

6. On perusal of the materials placed on record, the following points would arise for my consideration are :

- 1) Whether the defendants have made out sufficient grounds in I.A., to allow I.A.No.IX?
- 2) What Order?

7. My findings on the above points are as follows :

Point No.1 : In the Negative,

Point No.2 : As per the Order,

for the following:

REASONS

8. **POINT NO.1:** On perusal of the materials available on record, admittedly the plaintiffs have filed present suit against the defendants for the relief of permanent injunction in respect of the suit schedule property. When the case is posted for further chief examination of DW.2, the defendants have filed present I.A.No.IX to stay all the further proceedings in view of the stay order granted by Hon'ble High Court of Karnataka in W.P.No.18928/2023. On the other hand, the plaintiffs have filed objections contending that the stay order passed in writ petition is for the orders dated 17.06.2023 passed by respondent No.2 i.e., Joint Director and this court has not passed any orders on 17.06.2023. The learned counsel has filed online copy in respect of W.P.No.18928/2023 to show the present status of the said W.P. On perusal of the same, it discloses that the Hon'ble High Court of Karnataka passed the order on 15.11.2023 in

O.S.NO.210/2015

which it is clearly stated that there shall be stay of all further proceedings pursuant to order dated 17.06.2023 passed by the respondent No.2 till the next date of hearing. It is very significant to note that the respondent No.2 in the said W.P., is the Regional Joint Director of Land Records and he is not the party in the present suit. Further on perusal of order sheet, it discloses that this court has not passed any orders on 17.06.2023. Further the Hon'ble High Court of Karnataka has not passed any stay order with regard to present case on hand. Hence, opinion of this court is that the present I.A., filed by the defendants is devoid of merits. For considering all these reasons, I answer Point No.1 in the Negative.

9. **POINT NO.2** : In view of my findings on Point No.1, I proceed to pass the following :

ORDER

I.A.No.IX filed by the defendants under Section 151 CPC is hereby rejected.

No order as to cost.

For further chief examination of DW.2,
call on : 23.04.2025.

(Pronounced in the open Court, on this the 7th day of April 2025.)

sd/-

(URMILA.V)
ADDL.CIVIL JUDGE &
J.M.F.C., TARIKERE.