

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

O.S.No.259/2024

PLAINTIFFS

vs.

DEFENDANTS

Smt. Gayathri and others

Sri. M.N. Lokesh Rao and another

Date: 15.07.2026

Proceedings or Orders of the Judicial Officer

ORDERS ON I.A. NO.I

1. Applicant/ Defendant No.1 has filed the instant application under section 151 of C.P.C with the prayer to stay the further proceedings of the present suit till the disposal of the suit in R.F.A. No. 190/2024, pending on the file of Hon'ble High Court of Karnataka.

2. In the affidavit accompanying the application, Defendant No. 1 contends that he has preferred R.F.A. No. 190/2024 before the Hon'ble High Court of Karnataka, challenging the judgment and decree passed by the Hon'ble Senior Civil Judge, Tarikere, in O.S. No. 47/2015, whereby the suit filed by him came to be dismissed. It is further contended that the present suit schedule property also forms part of the subject matter in the said appeal. On that premise, it is urged that, in order to avoid multiplicity of proceedings and conflicting findings, the present suit is liable to be stayed till disposal of R.F.A. No. 190/2024. Accordingly, the Defendant has prayed for allowing the application.

3. Resisting the application, the Plaintiffs have filed their objections contending that the

application filed by Defendant No. 1 is not maintainable either in law or on facts and is liable to be dismissed in limine. It is contended that admittedly no order of stay has been granted in R.F.A. No. 190/2024 and there is no direction from the appellate Court staying any proceedings in the present suit. It is further contended that the present suit is an independent suit for partition and separate possession based on a fresh cause of action and is not dependent upon the outcome of R.F.A. No. 190/2024. Therefore, the pendency of the said appeal would not in any manner affect the present proceedings. It is alleged that the present application has been filed only with an intention to protract the proceedings and deprive the Plaintiffs of their legitimate rights over the suit schedule properties. All other contentions raised by Defendant No. 1 are stated to be false and not legally tenable. Accordingly, the Plaintiffs have prayed for rejection of the application.

4. Heard both sides.

5. Having heard and on perusal of the materials, the sole point that would now arise for my consideration is as under -

Whether the Applicant/ Defendant No.1 has made out sufficient grounds to allow the application in I.A No.1?

6. Now, my findings on above point is in the **Negative** for the following reasons -

7. The suit is one for partition and separate possession in respect of the suit schedule properties and is presently at the stage of further

chief-examination of PW-1. At this stage, the Applicant/Defendant No. 1 has filed the present application seeking stay of further proceedings in the suit pending disposal of R.F.A. No. 190/2024, which is stated to be pending before the Hon'ble High Court of Karnataka.

8. It is the case of the Applicant that the earlier suit filed by him, which also included the present suit schedule property, came to be dismissed, and that he has preferred an appeal against the said judgment and decree before the Hon'ble High Court of Karnataka. On that basis, he seeks stay of the present proceedings till disposal of the said appeal.

9. However, the Applicant, despite placing reliance on the pendency of the earlier proceedings, has not produced the relevant pleadings, judgment, or decree in O.S. No. 47/2015 or any other material to demonstrate the nature of the issues involved therein or to establish that the subject matter in the present suit is directly and substantially in issue in R.F.A. No. 190/2024. In the absence of such foundational material, no satisfactory grounds are made out for grant of stay of the present proceedings.

10. The Applicant, being a party to the earlier suit, ought to have placed before this Court the necessary documents, including the judgment and decree in the said suit, so as to enable proper appreciation of the grounds urged in support of the present application. The failure to do so leads

to an adverse inference that the application has been filed without due diligence and without placing the complete facts before the Court.

11. Viewed thus, the present application appears to have been filed only with an intention to protract the proceedings, without making out any sufficient or cogent grounds for stay. In the circumstances, the application is devoid of merits and is liable to be rejected. Accordingly, I answer the sole point which has arisen for my consideration in the **Negative** and proceed to pass the following -

ORDER

I.A No.I filed by the Applicant/ Defendant No.1 under Order Section 151 of C.P.C is hereby rejected.

Now, no costs.

sd/-
(Rahul Shettigar)
Prl. Civil Judge and JMFC.,
Tarikere.

