

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

O.S.No.43/2023

PLAINTIFF

vs.

DEFENDANTS

Smt. Hemalatha

Sri. K.M. Guruprasad and others

Date: 17.02.2026

Proceedings or Orders of the Judicial Officer

ORDERS ON I.A. NO.III

1. Applicants/ Defendants have filed the instant application under Section 151 of C.P.C with the prayer to club the present suit with the suit pending on the file of this Court in O.S No.107/2023.

2. In the affidavit appended to the application, the Applicant/Defendant No. 1 has contended that the Plaintiff is a tenant in respect of the suit schedule property and that she has filed the present suit seeking the relief of permanent injunction against the Defendants to restrain them from dispossessing her without due process of law. The Defendants have already filed a suit for eviction against the Plaintiff in respect of the suit schedule property, which is pending as O.S. No. 107/2023. The Plaintiff herein, being the Defendant in the said suit, has filed her written statement therein. The subject property involved in both suits is one and the same. The parties to both suits are also the same. In such circumstances, in order to save the precious time of the Court, it would be appropriate to club both the suits together. Hence, the prayer is to allow the application.

3. Resisting the application, the Opponent/Plaintiff has filed detailed objections, contending that the application is not maintainable either in law or on facts and that the same is liable to be dismissed in limine. The present suit has been filed seeking the relief of permanent injunction, whereas O.S. No. 107/2023 has been filed seeking the relief of eviction. The reliefs sought in both suits are entirely different; hence, clubbing the said suits would not be appropriate. The issues involved in both suits are also completely different, and in such circumstances, clubbing of the suits cannot be permitted. Hence, the prayer is to reject the application.

4. Heard both sides. Learned Counsel for Defendants also files written notes of submissions and banks on the following Judgments in support of his submissions -

a. 2023 Supreme (Telangana) 90

b. M.D. Uthalah (Deceased) By Lrs Vs. Mandepanda Aiyanna and others (Hon'ble High Court of Karnataka.

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

Whether the Applicants/ Defendants have made out sufficient grounds to allow the application?

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

7. The instant suit has been filed by the Plaintiff seeking the relief of permanent injunction.

The suit is presently at the stage of Plaintiff's evidence. At this juncture, the Applicants/Defendants have filed the instant application seeking to club the present suit with O.S. No. 107/2023.

8. Though the pleadings and documents in O.S. No. 107/2023 have not been produced by either side, the tenor of the objections filed by the Plaintiff to the present application clearly discloses that there is no dispute regarding the existence of the said suit between the very same parties in respect of the very same property, and that the said suit has been filed primarily seeking the relief of eviction. There is also no serious dispute on the part of the Plaintiff that she is a tenant under the Defendants and that the present suit has been filed seeking the limited relief of permanent injunction against eviction without following due process of law.

9. The other suit having been instituted by the landlord/Defendant No. 1 in O.S. No. 107/2023 seeking eviction, it would be practical and appropriate to club the two suits and conduct a common trial, as the same would avoid multiplicity of proceedings and prevent conflicting judgments. The judgments cited by the Defendants are fairly applicable to the facts of the present case, and reliance is placed upon those judgments while rendering the present findings. With these observations, the sole point that has arisen for my consideration is answered in the

Affirmative. In view of the foregoing reasons,
the following—

ORDER

*I.A No.III filed by the Applicants/
Defendants u/s. 151 of CPC is hereby allowed.*

*The present suit is clubbed with suit in
O.S.No. 107/2023.*

*It is made clear that the evidence has to be
led in O.S.No.107/2023.*

Call on 23.02.2026.

sd/-

P.C.J & J.M.F.C, Tarikere