

KACN320011402014



IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
AT KOLLEGALA

PRESENT: SRI. M. RANJITH KUMAR B.A,L' L.L.B.
I Addl. Civil Judge & JMFC., Kollegala.

Dated on this the 12th day of January 2026

O.S. NO 125/2014

Plaintiffs : Sri. Abdul Mujeed & Others

Versus

Defendants : Sri. Kumara @ Ankashetty Kumara
& Others

INTERIM APPLICATION NO-XVI

Applicant/ : Sri. Kumara @ Ankashetty Kumara
(Defendant No.1)

Versus

Opponent : Sri. Abdul Mujeed & Others
(Plaintiffs)

i.	Provision under which the application is filed	Section 151 of CPC
ii.	Relief sought for	Seeking to club the suits
iii.	The date on which the application is filed	14.09.2022
iv.	Number of the application	XVI
v.	The date on which the objections are filed by the different opponents	28.09.2022
Vi.	The date on which the orders were passed on the said application	12.01.2026

ORDER ON IA No-XVI

1) The defendant no.1 herein has filed the present application under Section 151 of Code of Civil Procedure, seeking to club the case in OS No.61/2016 pending before this court for common trial. It is the contention of the defendant no.1 that, the plaintiffs have filed this suit against defendant no.1 and others for the relief of declaration and permanent injunction and the defendant no.1 has also filed another suit in OS No.61/2016 against plaintiffs for the relief of declaration and permanent injunction with respect to Suit Schedule property herein which is 'D' schedule property therein in OS

No.61/2016 and it is further contention of the defendant no.1 that, the evidence in both the suits is one and the same and thus it would lead to multiplicity of proceedings before this court.

2) On the other hand, the plaintiffs have filed objection to IA No-XVI by contending that, the application filed by the defendant no.1 is not maintainable either in facts or law and further contented that the grant of relief sought by defendant no.1 is not within the jurisdiction of this Court. Accordingly sought for dismissal of the application.

3) The defendant no.1 inspite of grant of sufficient opportunity failed to address arguments on IA No-XVI. Hence arguments of defendant no.1 on IA No-XVI is taken as nil.

4) Heard learned counsel for plaintiff, perused materials on record, accordingly the following are the points arose for consideration of this court.

- 1. Whether this court can order for clubbing of suits?*
- 2. Whether it is appropriate to club suits in OS No.125/2014 and OS No. 61/2016 for common trial?*
- 3. what Order?*

5) For the foregoing reasons this court answers the above points for consideration as hereunder :

Point No.1 – In the Affirmative.

Point No.2 – In the Affirmative.

Point No.3 – As per the final order.

REASONS

6) POINT NO.1 :

The plaintiff in countering the application filed by the defendant no.1 has contended that, this court does not have jurisdiction to entertain relief sought by the defendant no.1. at this juncture it is appropriate to refer to Section 151 of the Code of Civil Procedure which reads as follows.

151. Saving of inherent powers of Court.-Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such

orders as may be necessary for the ends of justice, or to prevent abuse of the process of the Court.

7) Upon reading Section 151 of the CPC it could be observed that, the court is provided by law with inherent power to make such order as they are necessary for the ends of justice or to prevent abuse of process of the court. The question here before this court is whether this court can use such inherent power to club the suits for common trial suits which are pending before this court. It is well settled law that, the court's can in order to avoid multiplicity of proceedings when the evidence in the several suits is one and the same and to avoid conflict of decisions the court can use its inherent power under Section 151 of CPC and club the suits for common trial. Thus, this court is of the opinion that there is no impediment for this court to use Section 151 of CPC to club the suits for common trial which are pending before this court. Accordingly this court answers **Point No.1 in the Affirmative.**

8) POINT NO.2:

The defendant no.1 herein has filed the present application seeking clubbing of suits in OS No.125/2014 and OS No.61/2016 for common trial. It is necessary to see the nature of the suits and reliefs and subject matters involved therein. The OS No.125/2014 is filed for declaration and permanent injunction against the defendant no.1 and others with respect to property situated at M.M. Hills. Measuring East-West 13 feet and North-South 25 feet. Whereas OS No.61/2016 is also filed for declaration and permanent injunction by defendant no.1 against the plaintiffs herein with respect to property measuring 12 X12 Mola situated at M.M. Hills. Upon perusal of the pleadings in both the suits it could be observed that, there is identity dispute of properties between the parties for which the evidence which may led is appears to be same and in the circumstances of the case where there exist identity dispute where plaintiff and defendant No.1 are claiming one property and if they are tried separately that may lead to conflict of decision. Thus, this Court is of the opinion that, if both the suits are tried

commonly, it would help to come to conclusion and it would avoid multiplicity proceedings before this court. Accordingly this court answers **Point No.2 in the Affirmative.**

9) POINT NO.3: For the reasons stated above this court proceeds to pass the following order.

-: ORDER :-

IA No-XVI filed by the defendant no.1 under section 151 of Code of Civil Procedure is hereby allowed.

Suits in OS No.125/2014 and OS No.61/2016 are clubbed together for common trial.

Parties are referred as in OS No.61/2016.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 12th day of January 2026).

(M. RANJITH KUMAR)
I Addl.Civil Judge & JMFC.,
Kollegala.