

ORDERS ON IA No.II

When the case is posted for hearing on IA No.I, the L/C/P filed the present application U/Sec. 151 of CPC., seeking order of the court to club the present suit with O.S No.228/2022 to try both suits jointly. In support of the said application the plaintiff No.1 sworn an affidavit and stated that the plaintiff No.2 is her son they have filed present suit against the defendants seeking the

relief of declaration and permanent injunction with respect to suit schedule property. The subject matter of property mentioned in the OS No.228/2022 and the present suit schedule property are the same property. She has filed IA No.II and III in OS No.228/2022 U/o 1 rule 10 (2) to implead her as defendant No.4 in that suit as proposed defendant. but the said applications are rejected with an direction to file fresh suit to ascertain their rights. The present plaintiffs are residing at Birur Town and suit schedule property was handed over to the defendants in OS No. 228/2022 suit. In view of the rejection of the said application, she has filed the present suit against the defendants. If this two suits are clubbed it will benefited to the both the parties as the documents placed on record are in the both suits are same and it will also save the valuable time of the court. Thus, prays to club the present case with OS No.228/2022. If this application is allowed no hardship will be caused to the other side. On the other hand if this application is not allowed he will be put to irreparable loss and injuries. Though the defendant appeared through their counsel but have not filed any objection to the said application.

Heard from L/C/P. The defendant not filed any objection to the said application.

Having taken note of the pleadings and suit schedule properties and the cause title of the both case and nature of relief sought by the parties, In the present suit, the plaintiffs urged to club the case with OS No.228/2022 as they have handover the possession of the suit property to the defendants mentioned thereon. But the present plaintiff sought the relief of declaration and permanent injunction against the defendants who is the

plaintiff in OS No.228/2022. The plaintiff in her affidavit stated that she has preferred interim application in OS No. 228/2022 the same is rejected by this court to file independent suit to work out their right over the suit schedule property, Is not a ground to club the cases. Accordingly, the plaintiff has instituted the present suit against the defendants seeking the relief of declaration and permanent injunction.

Having taken note of the affidavit sworn by the plaintiff it is clear that the plaintiff mentioned in the present suit are different in OS No.228/2024 the plaintiff cannot take shelter on the court order as the application filed by them in the OS No.228/2024 as rejected. The nature of relief sought by the both parties are different in the both cases and the parties are different. Hence, the application filed by the L/C/P is here by rejected. Hence, no grounds made out to consider the application in the present suit. Thus, the following:

ORDER

The IA No.II filed by the plaintiff is hereby rejected.

No order as to cost.

For hearing on IA No.1.

Sd/-

**II Addl. Civil Judge and JMFC
Channagiri.**