

Heard on I.A.No.4 and perused the records.

The present I.A. has been filed for clubbing of O.S.No.109/2017 with the present suit.

The plaintiff has contended that the present suit has been filed for the relief of partition of the suit properties against the defendants. After filing of this suit the defendants have filed O.S.No.109/2017 for the relief of declaration of title in respect of the same suit properties. Therefore it is necessary to club both the suits to avoid multiplicity of proceedings. On the contrary, the defendants have not chosen to file objection to the I.A.

A perusal of complaints of both the suits would reveal that both the suits have been filed in respect of same suit properties but with different reliefs. The plaintiffs of this suit have sought for partition of the suit properties claiming their shares, while the plaintiffs of O.S.No.109/2017 have prayed to declare that they are the absolute owners of the suit properties. In the circumstances, it would be lawful to conduct a common trial and to pass a common judgment so

as to avoid conflict of decisions. In the absence of objection on the other side, no reasons are made out to reject the interim application. Hence, the following,

ORDER

The I.A.No.4 filed U/s. 151 of CPC by the plaintiffs is allowed.

The suit under O.S.No.109/2017 is hereby clubbed with this suit.

For plaintiffs evidence.

By: 10.07.2018.

II Addl. Sr. C.J., Dharwad.