

IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL  
JUDGE & J.M.F.C., HUBBALLI

*Present:*

*SMT. SARVAMANGALA K.M.,  
B.A. LL.B.,  
I Additional Senior Civil Judge and JMFC.,  
Hubballi.*

*O.S. No.66/2019*

*Dated this the 28<sup>th</sup> day of January, 2026*

*Plaintiff/s : Smt. Annapoorna W/o  
Virupakshappa Uppin  
Since deceased by her Lrs.*

*.Vs.*

*Defendant/s : Basavaraj @ Vasant S/o  
Chandrashekhar Kajgar and  
others.*

**PARTIES TO I.A. No.XVIII**

*Applicant/s : Harshavardhan Managoli and  
others.*

*.Vs.*

*Opponent/s : Smt. Annapoorna W/o  
Virupakshappa Uppin  
Since deceased by her Lrs.*

- i. Provision under which : Under Order 13 Rule 10  
application is filed R/w Sec.151 of CPC*

- ii. *Relief sought for* : *Seeking to call for entire records of suit in O.S. No.214/2003 and 215/2003 from the Hon'ble III Addl. Civil Court, Hubballi.*
- iii. *The date on which application is filed* : *26.06.2025*
- iv. *Number of the application* : *18*
- v. *The date on which objections are filed by different opponents* : *21.07.2025*
- vi. *The date on which orders were passed on the said application* : *28.01.2026*

\*\*\*\*\*

**ORDERS ON I.A. No.XVIII**

*The applicants/ Defendants No-3(a to d) and 4 have filed this I.A. under Order 13 Rule 10 R/w Sec.151 of C.P.C., seeking to call for entire records of suit in O.S. No.214/2003 and 215/2003 from the Hon'ble III Addl. Civil Court, Hubballi.*

2. *The plaintiffs have filed objections.*
3. *Heard, perused the pleadings and materials placed on record.*
4. *The point for consideration is, "Whether the defendant No.3(a) to (d) and 4 have made out valid grounds for granting the leave as prayed for?"*

5. The above point for consideration is answered in the Negative for the following:

**REASONS**

6. It is relevant to note that this is a suit for declaration, to be declared that the two sale deeds dated 28-07-1998 got executed by defendant no-3 and 4 in his favour as being ab-initio, null and void and not binding on the plaintiff and consequential relief of permanent injunction in respect of the suit schedule property. When the matter is set down for cross of PW-1 the present application was filed by the above said defendants.

7. The brief facts of the affidavit annexed to application is that, the present suit is originally filed before the Hon'ble III Addl. Civil Judge Court, Hubballi in O.S. No.162/2001 and same is returned and filed before this Court. There are 2 other suits in respect of the same subject matter in O.S. No.214/2003 and 215/2003 and all these 3 suits were pending in the different courts. Then by virtue of the order of the District Court they are transferred to one Court and subsequently all the 3 suits are clubbed in O.S. No.162/2001 and then the said case is returned to the plaintiff. In view of the clubbing the matters it is necessary to call the entire records of the O.S.

*No.214/2003 and 215/2003 from the Hon'ble III Addl. Civil Judge, Hubballi to enable this Court to decide all the 3 cases with common evidence. Those entire records of the suits are called as sought for, no harm or inconvenience will be caused to the plaintiffs. Further, it is necessary to call for those suits to avoid conflict of decisions. Hence, prayed to allow the I.A.*

*8. The objections of the plaintiffs is that the application is false, frivolous, vexatious and same is neither tenable in law nor on the facts of the case. The plaint in O.S. No.162/2001 on the file of the Hon'ble III Addl. Civil Judge and JMFC Court came to be returned but not the plaint in O.S. No.214/2003 and 215/2003. Therefore, the documents cannot be called for in the above case. Since they were filed only for injunction. Further it is contended that in O.S. No.214/2003 and 215/2003 cannot be called for and club with this suit and decide those suits in the present suit. Therefore, the application is devoid of merits and liable to be rejected. Hence, prayed to dismiss the I.A.*

*9. On perusal of the entire materials available on record it is noticed to the Court that the counsel for the defendants has filed the present application seeking to call for the other two suits and to try the same simultaneously along with the present suit. In view of the order passed by the Hon'ble District Court directing*

*clubbing of the suits, It is not in dispute that though three suits were earlier clubbed and tried by one court, subsequently one of the suits came to be returned off for want of pecuniary jurisdiction and it is now pending before this court of Senior Civil Judge. Consequently the other two suits continue to be pending before the concerned jurisdictional court having competent pecuniary jurisdiction. The order of clubbing passed by the Hon'ble District Court was only for the purpose of joint trial and convenience, and direction was issued to that court. It is very pertinent to note that this Court has no power to withdraw or transfer suits pending before another competent court. Any such relief can be granted only by the competent superior court under Section 24 of Civil Procedure Code. In the absence of an order or transfer or withdrawal, The present application is not maintainable before this court.*

*10. Hence, this Court is of the opinion that the application filed by the above said defendants is deserves to be dismissed and hence, the point for consideration is answered in the Negative and this court proceeds to pass the following;*

**ORDER**

*I.A. No.XVIII filed by the applicant/  
defendant No.3(a) to (d) and 4 under Order*

*13 Rule 10 r/w.Sec.151 of C.P.C. is hereby  
dismissed.*

*No order as to cost.*

*(Dictated to the Stenographer directly on computer, script corrected and  
then pronounced by me in the Open Court on this the **28<sup>th</sup> day of January,  
2026**)*

*sd/-*

*(Smt. Sarvamangala K.M.)  
I Addl. Senior Civil Judge & J.M.F.C.  
Hubballi.*