

KAHS010028492026



Presented on : 04-04-2026
Registered on : 06-04-2026
Decided on : 18-08-2026
Duration : 2 months 14 days

IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE, HASSAN.

Dated this the 19th day of August 2026

PRESENT

Smt. Hemavathi, BBM. LL.B.
Principal District & Sessions Judge,
Hassan.

Misc.No.602/2026

Petitioner:

Smt. Murugamma,
D/o Channayya,
W/o Huliyappa,
Aged about 72 years,
Residing at Hommagodanahalli,
Kadaga Post, Salagame Hobli,
Hassan Taluk.

(Represented by Sri.Sheshadry, Advocate)

Vs.

Respondent:

1. Smt. Jayamma,
W/o Shivarudregowda,
Aged about 50 years,
R/at Yalagunda Village,
Salagame Hobli, Hassan Taluk.

2. Smt. Renukamma,
W/o Late Lokesha,
Aged about 47 years,
R/at Bittaravalli Village,
Sanyasihalli Post,
Kasaba Hobli,
Belur Taluk.
3. Smt. Uma,
W/o Shanthamallegowda @
Mallesha,
Aged about 45 years,
R/at Bittaravalli Village,
Sanyasihalli Post,
Kasaba Hobli, Belur Taluk.
4. Smt. Savitha,
W/o Raghu,
Aged about 43 years,
R/at Haruvanahalli,
Kadaga Post,
Salagame Hobli,
Hassan Taluk.
(Legal heirs of Ramamma, who was
the defendant in Original Suit
O.S.No.313/2012)

*(R-1 -Represented by Sri. S.N.M., Advocate
R-2 to 4- placed exparte)*

ORDER

This petition is filed under Section 24 of Code of Civil
Procedure by the petitioners praying to transfer the appeals in

R.A. No.17/2026 and R.A.No.21/2026 to one court for final disposal.

2. The brief facts of the case is that, the plaintiff filed a suit in OS No.313/2012 before I Additional Civil Judge (Junior Division) Hassan for partition and it was decreed in part by judgment dated 12.12.2025 against the said judgment and decree. He preferred appeal in R.A.No.21/2026 which is pending before Prl., Civil Judge (Senior Division). The respondents have also challenged the said judgment and decree in R.No.17/2026. It is pending before II Additional Judge (Senior Division). Since, both appeals are arised out of the judgment in OS No.313/2012 on the file of I Additional Civil Judge (Junior Division). If these two appeals are tried before two different court there is every chance of emerging divergent opinion, conflict of judgment and it also lead to multiplicity of proceedings. Hence, prayed to transfer both suits to one court for disposal in accordance with law.

3. The respondent No.1 though appeared through the advocate have not filed objection. The respondent No.2 to 4 did not appear before the court inspite of service of summons. Hence, they are placed exparte.

4. Heard both sides.

5. The points that arise for my consideration are :

1. *Whether the petition is deserve to be allowed?*
2. *What order?*

6. My findings on the above points are as hereunder:

Point No.1: Affirmative,

Point No.2: As per final order

For the following:

REASONS

POINT No.1: On going through the document produced by the petitioner it is very clear that she filed appeal in R.A.No.21/2026 and respondents have filed a appeal in R.A.17/2026 challenging the judgment and decree in OS

No.313/2012 dated 12.12.2025 passed by I Additional Civil Judge (Sr.,Division), Hassan and both suits are pending before two different courts. Since, the both appeals are arise out of the common judgment if these two appeals are tried separately there is possibility of emerging, divergent opinions and conflict of judgment and it also leads to multiplicity of proceedings.

7. Therefore, I opine that to avoid all these facts, it is required to try both the appeals before one court. Hence, I deem fit to transfer appeal in RA No.21/2026 pending before Prl., Senior Civil Judge and CJM Court Hassan to II Additional Senior Civil Judge and JMFC Court Hassan to try along with R.No.17/2026. Hence, I answer this point in the affirmative.

8. **POINT No.2:** From the discussion made herein above, I proceed to pass the following:

ORDER

The petition filed by the petitioner under Section 24 of Code of Civil Procedure is hereby allowed.

The appeal in RA No.21/2026 is withdrawn from the Court of Principal Senior Civil Judge & CJM, Hassan and the same is transferred to the Court of II Additional Senior Civil Judge & JMFC, Hassan where RA No.17/2026 is pending, for disposal in accordance with law.

Both the concerned Courts shall be intimated of this order forthwith accordingly.

No order as to costs.

The copy of this order shall be sent to both the above said Courts for necessary further action in the matter accordingly.

*(Dictated to the Stenographer Grade-III, transcribed by her, corrected and then pronounced by me in Open Court on this **the 19th day of August 2026**)*

(Hemavathi)

Principal District & Sessions Judge,
Hassan.