

KAHS010054442025



Presented on : 16-08-2025
Registered on : 18-08-2025
Decided on : 23-03-2026
Duration : 0 years, 7 months, 7 days

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

Dated this the 23rd day of March 2026

PRESENT

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

Mis. No.137/2025

Petitioner: Chikkegowda,
S/o Late Chikkegowda,
Aged about 63 years,
R/at No.72(A), Sri Lakshmi Nivasa,
Government Primary School back
side road, Udayagiri, Hassan.

(Represented by Sri. Chandregowda Advocate)

Vs.

Respondent: 1. Manjegowda,
S/o Late Chikkegowda,
Aged about 66 years,

R/at Attawara Village,
Dudda Hobli,
Hassan Taluk, Hassan District.

2. Krishnegowda,
S/o Late Chikkegowda,
Aged about 61 years,
R/at Attawara Village,
Dudda Hobli,
Hassan Taluk,
Hassan District.
3. Mahesh,
S/o Late Chikkegowda,
Aged about 58 years,
R/at Attawara Village,
Dudda Hobli,
Hassan Taluk,
Hassan District.
4. M.M. Ravi,
S/o Manjegowda,
Aged about 39 years,
Permanent R/at Attawara Village,
Dudda Hobli,
Hassan Taluk, Hassan District.
Presently R/at House No.L.A.G.934,
Sathyamangala Extension,
Hassan.
5. Radha,
W/o A.J. Esha,
Aged about 30 years,
R/at Attawara Village,
Dudda Hobli,
Hassan Taluk,

6. Hassan District.
Krishnegowda,
Late Nanjegowda,
Aged about 61 years,
R/at Attawara Village,
Dudda Hobli,
Hassan Taluk,
Hassan District.
7. Lakshamma,
S/o Karigowda,
Aged about 57 years,
R/at Attawara Village,
Dudda Hobli,
Hassan Taluk, Hassan District.

*(R1-Represented by Sri. K.R.M. Advocate
R2, 3, 5, 7 are placed exparte,
R4- Represented by Sri.C.H.R. Advocate
R6- Represented by Sri.K.R.N. Advocate)*

ORDER

This petition is filed by the petitioner under Section 24 of Code of Civil Procedure praying to transfer the suit in OS No.653/2023 pending before the Court of I Additional Civil Judge & JMFC, Hassan and OS No. 506/2023 pending before the Court of V Additional Civil Judge & JMFC, Hassan to anyone of such Court for disposal in the ends of natural justice.

2. The brief facts of the case is that, the petitioner filed a suit in OS No.653/2023 on the file of I Additional Civil Judge & JMFC, Hassan, against the respondents for partition and separate possession. The respondent No.4 has filed a suit in OS.No.506/2023 pending before V Additional Civil Judge & JMFC, Hassan, against this petitioner and other respondent for permanent injunction in respect of item No.2 of the suit filed by this petitioner. The suit schedule property are ancestral property of the plaintiff and defendant. They have been possession and enjoyment of the same. The respondent No.1 to 5 are brothers and family members. The respondent No.6 and 7 are the purchasers. The parties to both suits, subject matter are one and the same. Hence, if both suits are tried separately, there is every chance of out coming of divergent decisions, then it leads to the multiplicity of proceedings and it also cause inconvenience to the parties. Hence, prayed to allow the petition.

3. The respondent No.1 filed objection stating that the petition is not maintainable either in law or on facts. While admitting that the petitioner filed a suit against him and others for partition in O.S.No.653/2023 and it is pending before I Additional Civil Judge & JMFC, Hassan, and the respondent No.4 also filed a suit in OS.No.506/2023 pending before V Additional Civil Judge & JMFC, Hassan for permanent injunction in respect of item No.2 of the suit schedule property. In OS No.506/2023 and it is pending V Additional Civil Judge & JMFC, Hassan, contended that there was already partition about 30 years back in the family of the petitioner and respondent No.1 to 3. Accordingly, they have been enjoying the property separately. Now, to have a wrongful gain this petitioner filed a suit against the respondent No.1. The suit filed by the respondent No.4 is in respect of the property bearing Sy.No.349 measuring 1 acre 20 gunta. It was granted to their mother through Dharkas. He acquired the same under will executed by their mother. He filed suit for permanent

injunction to restrain the petitioner and other respondents since they have interfered with his possession and enjoyment over said property. So, the subject matter in both the suits, relief claimed in both the suits are entirely different. Therefore, no grounds are made out to allow this petition to transfer the suit as prayed for. Hence, prayed to dismiss the petition.

4. The respondent No.4 filed objection stating that the petition is not maintainable either in law or on facts. He also while admitting that this petitioner filed a suit for partition against them in OS.No.653/2023 and he filed a suit in OS.No.506/2023 and both the suits are pending before two different courts has taken contention as contended by the respondent No.1 in his objections statement he also finally sought for dismissal of petition.

5. The respondent No.6 filed memo stating that he adopts the objection field by the respondent No.1.

6. The respondent No.2, 3, 5, 7 did not appear before the court inspite of service of notice. Hence, placed exparte.

7. Heard both sides.

8. The points that arise for my consideration are:

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

9. My findings on the above points are:

Point No.1: Affirmative,

Point No.2: As per final order

For the following:

REASONS

10. **POINT No.1:** The petitioner produced certified copy of the order sheet and plaint in OS No.653/2023 and also in OS.No.506/2023. It reveal that the petitioner filed in OS NO.653/2023 for relief of partition and separate possession against the respondents in respect of Sy.No.36 measuring 1 acre, Sy.No.349 measuring 1 acre 20 gunta, Sy.No.11/2 measuring 10 gunta, Sy.No.11/10 measuring 10 gunta,

Sy.No.11/11 measuring 1 acre 3 gunta, Sy.No.11/13 measuring 12 gunta, Sy.No.11/14 measuring 20 gunta, Sy.No.11/12 measuring 23 gunta and Sy.No.9/2 measuring 1 acre 20 gunta of Attavara Village and the respondent No.4 filed a suit for permanent injunction in respect of Sy.No.36/P9 measuring 1 acre 20 gunta of Attawara Village. So, it is very clear that Item No.2 of the plaint schedule property in OS.No.653/2023 is the schedule property in OS No.506/2023 and the parties in both the suits are similar.

11. The petitioner in his suit stated that the suit properties are the joint family properties. The respondent No.4 in his suit contended that his mother was the owner of the property and she executed Will in his favour. This petitioner and others have been interfering with this possession. The suit for partition is the comprehensive suit. Since the parties in both cases and subject matter are one and the same though the relief claimed are different, but both are co-related. So, I opine

that if both suits are tried before two different courts, there is likelihood of emerging diverging judgments. In such circumstances it may lead to the multiplicity of proceedings and it also cause inconvenience to the parties. Therefore, both suits are to be clubbed and tried if that is done no hardship will be caused to the respondents. Therefore, I opine that there is no merit in the objection statement raised by the respondent No.1, 4 and 6. On the other hand, the petitioner has made out a ground to transfer the suit in O.S.No.506/2023 to the court of I additional Civil Judge and JMFC where OS No.653/2023 is pending. Accordingly, I answer this point in the affirmative.

12. **POINT No.2:** In view of the above discussion, I proceed to pass the following:

ORDER

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

The suit in OS No.506/2023 is withdrawn from the Court of the V Additional Civil Judge & JMFC, Hassan and same is transferred to the Court of I Additional Civil Judge & JMFC, Hassan, where OS No.653/2023 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 and 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 23rd day of March 2026**)*

(Hemavathi)
Principal District & Sessions Judge,
Hassan.