

**:ORDER ON I.A. No. XII**

The present application is filed by the plaintiffs under section 151 of Code of Civil Procedure seeking clubbing of this case along with OS No. 214/2016 pending before this court.

2. In the affidavit, the plaintiffs contended that, this present suit and also in OS No.214/2016 is filed by different parties in respect of same property. Therefore both suits has to be clubbed and common evidence can be recorded to avoid complication and save the court time. Hence, he sought the allow of the same.

3. On the other hand, the learned APP filed detail objection, on behalf of defendant contented that, in both suits the parties are different, relief is also different and property involved in both suits are also different. Hence, both suits cannot be clubbed. Hence the sought the dismissed the same.

4. Heard arguments.

5. The points that would arise for my consideration are:-

**1) Whether the application filed by the plaintiff under section 151 of Code of Civil Procedure is fit to be allowed?**

**2) What order ?**

6. My answer to the above points are as under:

**POINT NO.1: Negative**

**POINT NO.2: As per final order for the following:**

**:REASONS:**

7. **POINT NO.1:-** This suit is filed by the plaintiffs against the defendants for relief of declaration and permanent injunction in respect of Sy

No. 20, 21, 11 of Nandagodanahalli Village, Arehalli Hoble against the Chief Secretary and other government officials.

8. The suit in OS No.214/2016 is filed by one Nanjappa and others against Paramesh and others seeking relief of permanent injunction in respect of properties in Sy. No. 11, 20, 21 of Nandagodanahalli Village.

9. On careful perusal of both suites, the parties in both suits are different and also the relief claimed in both suits are not one and the same. The OS No.139/2016 is filed by the one K.P. Dinakarshetty and another against Government Official seeking declaration and permanent injunction and another suit in OS No.214/2016 filed by the Nanjappa and others against Paramesha and others seeking relief of permanent injunction. On careful perusal of both suits it reveals that the parties and relief claimed in both suits are not one and the same. If the application filed by the applicant is allowed it will complicate the proceedings. Accordingly I am of opinion that, the application filed by the applicant is rejected. Accordingly I answered Point No.1 in the "Negative".

10. **POINT NO.2**:- That in view of the discussions made in point No.1, this , this Court proceed to pass the following:

**:ORDER:**

**The Application filed by the applicant  
under section 151 of Code of Civil Procedure  
is here by dismissed.**

(Dictated to the Stenographer, transcribed by her, corrected by me and then pronounced in the open Court on this the 21<sup>th</sup> day of November 2017)

( C.Nagesha)  
Civil Judge & JMFC:  
Belur.