

**IN THE COURT OF PRL.CIVIL JUDGE & JMFC AT
CHANNARAYAPATTANA**

Dated this the 12th day of January, 2026

Present: SMT. KUSUMA V. B.A.L, LL.B.,

Prl. Civil Judge & JMFC

Channarayapattana.

O.S.No. 655/ 2014

Plaintiff : N Krishnaswamy

V/s.

***Defendants : Jayashree Jayanth and
another***

PARTIES IN IA NO.31

***Applicant : Jayashree Jayanth and
another***

V/s.

Opponent : N Krishnaswamy

**ORDERS ON APPLICATION FILED UNDER SEC.10
OF C.P.C**

The I.A No.31 is filed by the defendant No.1 under Sec.10 of CPC praying to stay the trial and further court proceedings in this suit until the disposal of the suit in SLP (Civil) No.16209/2025 filed

by the plaintiff before the Hon'ble Supreme Court in the interest of justice.

2. In support of the present application the defendant No.1 has filed his affidavit and contended that the Spl. Leave petition is filed in Connection with O.S No.6285/2008, partition suit filed by him before City Civil Court at Bengaluru in which the suit properties in the instant suit are common to both suits. Further he deposed that the plaintiff is the father of the defendant No.1, to restrain the defendants from alleged interference with his joint peaceful possession and enjoyment of the suit schedule agricultural lands. The present suit has been filed by the plaintiff against these defendants for the relief of permanent injunction, on the ground that it is his separate self acquired property, claiming that it was partitioned and demarcated on 04.03.1955 and it is not Hindu undivided family.

3. Further the defendant No.1 deposed that the plaintiff in cross examination in O.S No.6285/2008 admitted that the suit schedule property of this suit are common joint family and ancestral properties.

Further he admitted that the said properties still un-partitioned and coparcenary agricultural lands. Therefore it is necessary to stay the further proceedings of this suit and prays to allow the application.

4. On the contrary the plaintiff has filed objections to the said application and stated that the present suit has been filed by him for restraining the defendants or anybody on their behalf from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule properties. On the contrary O.S No.6285/2008 was filed by the defendant No.1 seeking partition and separate possession of not only the suit schedule properties, but several other properties. Thus the issue in this suit is not directly and substantially in issue in O.S No.6285/2008. Further he deposed that the defendants are in the habit of filing similar applications before this court and with an intention to harass the plaintiff, the defendants are filing these types of applications. Hence prays to reject the application.

5. Heard on both sides and perused the materials on record.

6. The points that arise for consideration of this court are as under :

1. Whether the defendant No.1 has made out sufficient grounds to allow the application ?

2. What order?

7. The answers to the above points are as here under:-

Point No. 1 :- **In the Negative**

Point No. 2 :- As per final order.

For the following :

:: REASONS ::

8. Point No.1 :- The present application has been filed by the defendant No.1 praying to stay the trial and further court proceedings in this suit until the disposal of the suit in SLP (Civil) No.16209/2025 filed by the plaintiff before the Hon'ble Supreme Court. In the application the defendant stated that the plaintiff has submitted before Hon'ble Supreme Court in SLP (Civil) No.16209/2025 in

respect of the instant suit properties, that he has alienated all, but 01 acre of land out of 31 acres on which the farm house is located, wide a number of registered sale deeds during the pendency of the instant suit.

9. In the objections the plaintiffs stated that the defendant No.1 herein had no locus-standi to file this application. Further the contention of the plaintiff is that the averments made in the application are completely false and the defendants have filed this present application with an intention to drag on the proceedings.

10. On perusal of the file, it appears that, the plaintiff had filed the suit in the year 2014 for the relief of bare injunction. Further on perusal of the file, it shows that the plaintiff as well as defendants are filing one and the other applications before this court with an intention to drag on the proceedings. Now the case stands posted for defendant's evidence. At this stage the defendants are filing applications with an intention to drag on the proceedings. Therefore the defendants have not made out sufficient grounds to stay the trial and further proceedings in this suit. Hence this court answered **point No.1 in the Negative.**

11. Point No. 2 : In the light of forgoing discussion, this court proceeds to pass the following:

ORDER

I.A.No.31 filed by the defendant No.1
U/Sec.10 of CPC is hereby rejected.

*(Dictated to the Stenographer, corrected and then pronounced by me in
the open Court on this the 12th day of January-2026)*

**(Smt. Kusuma V)
Prl. C.J. & JMFC,
Channarayapatna.**

(Order Pronounced in open
court, Vide separate Order)

ORDER

*I.A.No.31 filed by the
defendant No.1 U/Sec.10 of
CPC is hereby rejected.*

*For defendants' evidence
finally as last chance.*

Call on: 24.02.2026.

(Smt. Kusuma V)
Prl. C.J. & JMFC,
Channarayapatna.