

ORDER ON IA NO.VI

The Defendant No.12 has filed this I.A. No.VI seeking to club this suit i.e. O.S.No.169/2022 with O.S.No.41/2022.

In the affidavit annexed to the application, the applicant has stated that, the schedule, parties and the facts of both the suits are one and the same. Therefore, if both the suits are clubbed together it will save the time of the Court and it will benefit in final decree proceedings. Hence, it is necessary that, both suits have to be clubbed.

On the other hand, the defendant Nos.1 and 2 have filed objection by contending that, there is no bonafide reasons to club both the suits, Only to waste the time of the court this application has been filed. Hence, it is prayed to reject the application.

Despite giving sufficient opportunity, the plaintiff has not filed objection to this application. Hence, objection was taken as nil.

Hear argument and perused the document on record.

Perusal of the entire record so also the record of the suit in O.S.No.41/2022, it shows that, both the suits have been filed seeking the relief of partition and separate possession and though the extent is different, the property in Sy.No.43/10 of Hullahalli Village which is the subject matter of this suit is also the subject matter of suit in OS No.41/2022. Therefore, this court is of the opinion that, if both the suits are tried separately and decreed, it would cause hardship to proceed in final decree proceedings. Hence, if both the suits are tried separately there may be chances of delivering conflicting judgments. Therefore, this court is of the opinion that in order to avoid conflicting judgments in both suits, both suits have to be

clubbed together. Moreover, if both the suits are clubbed and tried together it may save the time of the court and may also facilitate speedy disposal. For all these foregoing reasons, this court is of the opinion that, the IA No.VI has to be allowed and both the suits have to be clubbed together. Accordingly, IA No.VI is hereby allowed and it is further ordered that this suit i.e., O.S.No.169/2022 is clubbed with the suit in O.S.No.41/2022.

Call on:23.07.2025.

Civil Judge and JMFC,
Holenarasipura.

