



IN THE COURT OF C/C ADDL CIVIL JUDGE AND JMFC.,
SAKALESH PURA.

-.Present:-

SRI LAKSHMI NARASIMHA R.V, B.A.L., L.L.B.,

C/c Addl. Civil Judge & JMFC., Sakaleshpura.

Dated : 28th Day of July 2025

O.S. NO. 146/2019

Plaintiff : Sri. K.M. Venkatesha

V/s

Defendants : Sri. K.S. Dinesha and another

ORDERS ON APPLICATION FILED BY THE PLAINTIFF
UNDER SECTION 151 OF C.P.C.

The plaintiff has filed this application praying this court to club OS No.15/2024 and this case for the purpose of adjudication.

2. The plaintiff in the affidavit annexed along with the application has contended that he above mentioned suits are identical in nature and defendants are one and the same. In both the suits the plaintiffs have filed for the relief of



permanent injunction against the defendants. The cause of action is similar in nature. Hence, for the purpose of recording common evidence, prayed to club both the matters in the interest of justice.

3. The learned counsel for the defendants has filed objections to the application and contended that the plaintiff has filed the present suit in respect of Sy No.3/2 , measuring 1 acre 5 guntas of Hullahalli village, Kasaba Hobli, Sakaleshpura Taluk. The defendant has filed OS No.15/2024 in respect of Sy No.1/5, measuring 38 guntas. Hence, both the suits are different in nature and parties are also different. They have claimed their rights independently. Hence, both suits cannot be clubbed. Accordingly, prayed to dismiss the application.

4. On basis of the application, objections and documents on record, the following points that arise for the determination of this court.



1. Whether the application filed by the
deserves to be allowed by clubbing OS
No.15/2024?

2. What order?

5. Heard arguments. Perused the application,
objections and records placed before this court.

6. My finding on above points are as follows:-

Point No.1 : In the *Negative*

Point No.2 : As per the final order for the
following;

::REASONS::

7. **Point No.1:** The plaintiff has filed the suit for the
relief of permanent injunction in respect of the suit schedule
property. Defendant No.2 herein is not party to the suit in
O.S. No. 15/2024. It appears that the present suit is filed in
respect of property bearing Sy No. 3/2 measuring 1 acre 5
guntas and O.S. No. 15/2024 is filed in respect of Sy No. 1/5



measuring 38 guntas. The case can be clubbed when both the parties are one and the same and the relief sought by them is similar. Whereas, in both the suits the plaintiffs are different and both the plaintiffs have filed the suit in respect of different properties. Hence, the suit cannot be clubbed. Accordingly, point No.1 is answered in the *Negative*.

8. Point No.2: For the above discussed reasons, this court proceeds to pass the following:

::ORDER::

Application filed by the plaintiff

Under Section 151 of CPC are hereby

dismissed.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 28th day of July, 2025]

[Lakshmi Narasimha R.V,
C/c Civil Judge and JMFC,
Sakaleshpura.