

KAMS010050022025



**IN THE COURT OF THE PRINCIPAL  
DISTRICT AND SESSIONS JUDGE AT  
MYSURU**

**Dated this the 6<sup>th</sup> day of April, 2026**

**PRESENT**

**Smt. Usharani, B.A.(Law), LL.B.,**  
Principal District & Sessions Judge,  
Mysuru.

**MISC.NO.227 OF 2025**

**Petitioner/s:**

Sri V K Venkataramu,  
Aged about 53 years,  
S/o late Kamashetty,  
Vatalu Village,  
Muguru Hobli,  
T.Narasipura Taluk,  
Mysore District.

**[By Sri A L Shabbir Ahmed,  
Advocate]**

**V/s.**

**Respondent/s:**

1. Sri Nataraju,  
Aged about 55 years,  
S/o Late Kamashetty,  
Vatalu Village,  
T.Narasipura Taluk,  
Mysore District.
2. Smt. Thayamma,  
Aged about 62 years,  
D/o Late Kamashetty,  
W/o Rachashetty,

Vatalu Village,  
Muguru Hobli,  
T Narasipura Taluk,  
Mysore District.

3. Smt. Bhagyamma,  
Aged about 60 years,  
D/o Late Kamashetty,  
W/o Puttaswamyshetty,  
Vatalu Village,  
Muguru Hobli,  
T Narasipura Taluk,  
Mysore District.
4. Smt. Roopa,  
Aged about 40 years,  
D/o Puttaswamyshetty  
and Bhagyamma,  
W/o Madesha,  
Vatalu Village,  
Muguru Hobli,  
T Narasipura Taluk,  
Mysore District.
5. Sri Kumara,  
Aged about 39 years,  
S/o Puttaswamyshetty  
and Bhagyamma,  
Vatalu Village,  
T Narasipura Taluk,  
Mysore District.
6. Sri Madesha,  
Aged about 35 years,  
S/o Puttaswamyshetty  
and Bhagyamma,

Vatalu Village,  
Muguru Hobli,  
T Narasipura Taluk,  
Mysore District.

7. Sri Raju,  
Aged about 32 years,  
S/o Puttaswamysheyy  
and Bhagyamma,  
Vatalu Village,  
Muguru Hobli,  
T Narasipura Taluk,  
Mysore District.
8. Sri Suresh,  
Aged about 50 years,  
S/o Late Ramaswamy,  
Kuppahalli Village,  
Biligere Hobli,  
Nanjangudu Taluk,  
Mysore District.
9. Sri Ningaraju,  
Aged about 45 years,  
s Mahadevaiah,  
Kethalli Village,  
Muguru Hobli,  
T Narasipura Taluk,  
Mysore District.
10. Sri Sadananda,  
Aged about 48 years,  
S/o Late Ramaswamy,  
Kupparahalli Village,  
Nanjangudu Village,  
Mysore District.

11. Smt. Neelamma,  
Aged about 55 years,  
W/o Late K Mahadevu,  
No.139A, Thriveni Nagara,  
T.Narasipura Town,  
Mysore District.
12. Sri Muddumadaiah,  
Aged about 65 years,  
S/o Late Chikkabasavaiah,  
Kupparahalli Village,  
Biligere Hobli,  
Nanjangudu Taluk,  
Mysore District.

**[By Smt. Thejaswini, Advocate for R1 to 7, Sri M Jayanna, Advocate for R-8 to 10 and 12, Sri H A Ananda, Advocate for R-11]**

**ORDER ON PETITION FILED UNDER  
SECTION 24 OF CPC**

This petition has been filed by the petitioner under Section 24 of C.P.C praying to transfer OS 302/2023 pending on the file of Addl. Civil Judge & JMFC, T.Narasipura to the Court of Principal Civil Judge & JMFC, T.Narasipura, where OS 227/2023 is pending.

2. The brief facts of the case are that, OS 302/2023 has been filed by the respondent No. 8, 10 and 12 against petitioner and other respondents for the relief of declaration and it is pending on the file of Additional Civil Judge & JMFC, T.Narasipura. The petition schedule property is the ancestral property of Kamashetty, father of petitioner. Earlier it belongs to Mada @ Seegadi, who mortgaged the same to Suryanarayanappa under registered mortgage deed dated 17.1.1956 for a period of 5 years. Since he had no money, he re-mortgaged it. Thereafter Suryanarayanapp was in possession and enjoyment of the property along with his family members. Since entry in revenue records regarding redemption of mortgage was not made, respondents with an intention to knock off the property, created and forged General Power of Attorney to show that petitioner and his elder brother i.e., 1<sup>st</sup> respondent have executed General Power of Attorney. Based on the said General Power of Attorney, 8<sup>th</sup> respondent has created

another Sale Deed in favour of 11<sup>th</sup> respondent and khatha has been hurriedly changed. Thereafter, respondent No.s 8 to 11 have hurriedly made an attempt to dispose the property. Respondents 1 to 11 have filed OS 227/2023 for the relief of partition and separate possession of the suit schedule property before the Court of Principal Civil Judge, T.Narasipura. Since parties are same and properties are same, sought to transfer OS 302/2023 pending on the file of Addl. Civil Judge & JMFC, T.Narasipura to the Court of Principal Civil Judge, T.Narasipura, where OS 227/2023 is pending.

3. Respondents 8, 10 and 12 have filed objections stating that OS 227/2023 pending on the file of Principal Civil Judge & JMFC, T.Narasipura, is not maintainable. Parties have no any sort of right over the suit schedule property in OS 302/2023. Petitioner has narrated false facts in the petition. Respondents 8, 10 and 12 have never challenged the order of Asst. Commissioner. Petitioner has

filed OS 227/2023 for the relief of partition and separate possession, but intentionally troubling the respondents. Respondents 8, 10 and 12 have filed OS 302/2023 for the relief of declaration. Petitioner has no right, title over the property against the owners of the property. Hence, prayed to reject the petition.

4. Heard both sides.

5. Perused the materials on record. The points arise for my consideration are;

1. Whether the petitioner has made out sufficient grounds to transfer OS 302/2023 pending on the file of Addl. Civil Judge & JMFC, T.Narasipura to the Court of Principal Civil Judge & JMFC, T.Narasipura, where OS 227/2023 is pending?

2. What Order?

6. My findings on the above points are as under:

Point No.1 :: In the **affirmative.**

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

**REASONS**

7. **Point No.1:** The learned Advocate for petitioner has produced the certified copy of order-sheet, plaint and written statements in OS 227/2023 pending on the file of Prl. Civil Judge & JMFC, T.Narasipura and OS 302/2023 pending on the file of Additional Civil Judge & JMFC, T.Narasipura.

8. The schedule property involved in OS 227/2023 is as follows:

“Land bearing Sy.No.100 measuring 4-07 guntas including 0-07 guntas of karab situated at Sujjaluru village, Muguru Hobli, T Narasipura Taluk, Mysore District, bounded on, easy by ; land of Madaiah, West by; land of Kalasaiah, North by; land of Marikamashetty, South by; land of Kempananjappa”.

The schedule property involved in OS 302/2023 is as follows:

“All that piece and parcel of the agricultural property bearing Sy.No. 100 measuring 4 acres 5 guntas land property situated at Sujjaluru village, Muguru Hobli, T Narasipura Taluk, Mysore District, bounded on East by; land of Mada, West by ; land property of Kalasa, North by; land property of Marikamashetty @ Budakashetty, South by; land of Vatalu Kempananjappa”.

9. Respondents 8, 10 and 12 have filed their objections stating that petition is not maintainable and petitioner has no right, title over the property against the owners of the property. Though other respondents have appeared before the Court through their counsels, they have not contested the case.

10. From the available materials on record, it is noticed that with regard to petition schedule property, there is dispute between the parties. Hence, OS 227/2023 has been filed by the petitioner for partition and separate possession of his  $\frac{1}{4}$ <sup>th</sup> share and OS 302/2023 has been filed by respondents 8, 10 and 12 to declare that they are the

owners and to declare that General Power of Attorney dated 3.9.2022 is null and void and also for permanent injunction. Further it is clear that parties and property involved in both the suits are same. When that being the fact, in order to avoid conflicting decisions, it is just and proper to try both the suits by the same Court.

11. Therefore, I opine it is just and proper to transfer OS 302/2023 pending on the file of Addl. Civil Judge & JMFC, T.Narasipura to the Court of Principal Civil Judge & JMFC, T.Narasipura, where OS 227/2023 is pending. Hence, point No.1 is answered in the **affirmative**.

12. **Point No.2:** For the reasons stated above, I proceed to pass the following:

### **ORDER**

The petition filed by the petitioner under Section 24 of Code of Civil Procedure, is hereby allowed.

Consequently, OS 302/2023 pending on the file of Addl. Civil Judge & JMFC, T.Narasipura, is withdrawn and transferred to the Court of Principal Civil Judge & JMFC, T.Narasipura, where OS 227/2023 is pending, for disposal in accordance with law.

No order as to costs.

The above said Courts shall be intimated of this order forthwith.

(Dictated to tab and typed the same by the Stenographer Gr-I on Computer and after corrections, pronounced by me in open Court on this the **6<sup>th</sup> day of April, 2026**).

**[USHARANI],**  
Prl. District & Sessions Judge,  
Mysuru.