

Order on I. A. No. VII

The application I.A.No.VII is filed by the counsel for defendants U/sec 151 of CPC praying for an order to club the present suit along with O.S.No.101/2022.

2.The application is supported by affidavit of defendants No.6 and it is sworn that the suit in O.S.No.101/2022 which was pending before Civil Judge and JFMC, H.D.Kote is withdrawn and order to be transferred to this court as per the order passed by Principal District and Sessions Court, Mysuru dated 11.12.2023. It is further sworn that the trial of both matters together is required and hence prayed to allow the application.

3. The counsel for defendant No.1 to 5 has filed objection to

the application and prayed to reject the same.

4. Heard the arguments of counsel for both parties.

5. The defendants No.6 and 7 have filed present application to club the present suit along with O.S.No.101/2022. On perusal of the materials available on record, it reveals that a suit in O.S. No.101/22 was filed by the present defendant No.6 before Civil Judge and JFMC, H.D.Kote for the relief of permanent injunction. The Principal District and Sessions Court, Mysuru in Mis No. 86/2023 has passed order by withdrawing the said suit in O.S.No.101/22 and transferred the same to this court as per the order dated 11.12.2023. Now the defendant No.6 has filed application to club both the suits. The present suit is filed for partition and separate

possession and the suit in O.S.No.101/22 is filed for the relief of permanent injunction. Since the subject matters involved in both suits are one and the same, for avoiding conflict of decisions and also to save the precious time of the court, it is necessary to club both the suits and to be tried together. Hence this court proceed to pass the following;

ORDER

The application I.A.No.VII filed by the defendants No.6 U/sec 151 of CPC is hereby allowed.

The suit in O.S.No.101/22 is clubbed along with present suit in O.S.No.123/22.

Office is hereby directed to comply the order.

Call on: 14.02.2025.

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**