

**KAMS310000702013**



**IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC, HUNSUR**

**Dated this the 18<sup>th</sup> day of June, 2026**

**:Present:**

**Smt. Namrata S Hosmath, B.A., LL.B.,  
I Addl. Civil Judge & JMFC,  
Hunsur.**

**O.S. No.232/2013**

**PLAINTIFF:** **Venkatamma & another**

**// Vs //**

**DEFENDANTS:** **Honna Nayaka & others**

**PARTIES TO I.A. NO.XXI**

**PLAINTIFF/  
APPLICANT:**

**K.S. Santhosh**

**.....Defendant No.9(a)**

**// Vs //**

**DEFENDANTS/  
OPPONENTS:**

**Ventakamma & another**

**.....Plaintiffs**

Provision under which the application is filed	U/s 151 of CPC
Reliefs Sought for	Club the suits of OS 379/2012 & OS No.232/2013
The date on which the application is filed	13.03.2026
Number of the application	XXI
The date on which the objection is filed by opponent	17.03.2026
The date on which the order was passed on the said application	18.06.2026

**ORDERS ON APPLICATION U/SEC.151 OF Cr.P.C.**

The defendant has filed the present application u/sec.151 of CPC, seeking to club the present suit along with OS No.379/2012.

2. It is averred that the plaintiffs have instituted the present suit seeking a decree of partition and separate possession. It is further stated that the plaintiffs have also filed another suit OS No.379/2012 before the Hon'ble Prl. Civil Judge & JMFC., Hunsur, seeking relief of declaration and other consequential reliefs. The suit schedule property in both the suits are one and the same. It is contended that to avoid duplication of work and to save the precious time of the court the present application is filed. It is further stated that,

allowing the present application will not cause hardship to the plaintiffs. Accordingly, prays to allow the application.

3. The plaintiff has filed objection to the said application contending that the present application is not maintainable either in law or on facts. It is further stated that, the present case is sought for partition and separate possession and now the case is posted for defendant evidence. It is further contended that, the present application is only file with an intention to drag the proceedings. Hence, prays to reject the application.

4. Heard both sides.

5. Perused all materials available on record.

6. Now the points that arise for consideration are as follows;

(1) Whether the defendant has made out grounds to club O.S. No.232/2013 with OS No.379/2012?

(2) What order?

7. The findings of the court on the above points are:

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

Point No.2: As per the order below  
for the following:-

### **REASONS**

8. **Point No.1:-** Upon a careful perusal of the pleadings, the schedule of property involved in both suits are the same. However, the issues raised in the two suits are completely different and upon perusal of documents it is seen that, the plaintiffs and defendants of both the suits are different.

9. Further, the present application has been filed seeking to club the present suit along with suit pending before the Hon'ble Prl. Civil Judge & JMFC., Hunsur. It is settled preposition of law that the power of transfer the matter from one court to another court is exclusively vested with the Hon'ble Appellate court i.e., Hon'ble Prl. District & Sessions Judge and the same power cannot be vested by this court having limited jurisdiction.

10. As already stated above, though the suit schedule property in both the suits may be same. However, the parties are completely different and the nature of the suits are also different. When such being the case, this court is not inclined to exercise the inherent power U/sec.151 of CPC, to club both

the suits. With these observations, this court opines that, the application deserves to be dismissed. Accordingly, **point No.1 is answered in the Negative.**

11. **Point No.2:** In view of the above discussion, I proceed to pass the following:

**ORDER**

The application filed by the defendant U/sec.151 of CPC is hereby dismissed with cost of Rs.500/-.

*(Dictated to the Stenographer Grade-III, directly on computer, typed by her, corrected, signed and then pronounced by me in the open Court on this the 18<sup>th</sup> day of June, 2026)*

**(NAMRATA S HOSMATH)**  
I Addl. Civil Judge & JMFC.,  
Hunsur.