

KAMS710004822018



**IN THE COURT OF I ADDITIONAL CIVIL JUDGE AND JMFC AT
T.NARASIPURA**

Dated this the 23rd day of April 2026

Present: **Smt. Niveditha N., B.A.L., LL.B, LL.M.,**

O.S./88/2018

Applicant: K.M.Mahadeva
..... plaintiff

V/s

Opponent: The Secretary and others
..... defendants

i.	Provision under which the application is filed	U/s 151 of CPC
ii.	Relief sought for	Clubbing order
iii.	The date on which the application is filed	05/11/2024
iv.	Number of the application	IA.No.11
V.	The date on which the objections are filed by different opponents	08/12/2025
vi.	The date on which the orders were passed on the said application	23/04/2026

ORDER ON IA No.11 FILED BY PLAINTIFF U/S 151 of CPC

1. The plaintiff has filed the above application seeking to club this case with OS.No.82/2018 in the interest of justice and equity.

2. In the accompanying affidavit, the plaintiff has stated that, he has filed the present suit against the defendants No.1 to 5 who are the defendants No.4 to 8 in OS.No.88/2018 for the relief of permanent injunction in respect of suit schedule property. The plaintiff in the present suit is the same plaintiff in OS.No.88/2018. Earlier the defendants being the residents of same Jagajeevana Grama have claimed the alleged burial ground in the suit schedule property of the above suit. Due to which the above suit is filed after issuing the legal notice dated 17/11/2017 to the defendants No.1 to 5 in the above case. The said legal notice duly served on them. In spite of that also they did not chose to reply the said notice. Similarly in the above suit also, the defendants No.1 to 5 though served with the process and summons of this Court have remained ex-parte without any explanation. Subsequently, the defendants No.1 to 5 have claimed the alleged burial ground in the suit schedule properties of OS.No.88/2018. In the said suit the defendants have appeared before the Court through their counsel and filed the written statement.

b. Further, both suits are pending. In OS.No.82/2018 after completion of plaintiff evidence the case is stand posted for arguments on main matter. On the other hand, OS.No.82/2018 is stand posted for arguments on main matter. On the other hand, OS.No.88/2018 is stands posted for further further chief of D.W.1. The allegations and rival claims in both the suit are one. As such for the effective adjudication of both the case, under same claim and rival claim, the clubbing of these two suits are just and necessary so as to pass common judgment. Hence, prays to allow the application.

3. The defendant No.2 has filed objection to the application and contended that the present defendants No.1 to 3 are not parties in OS.No.82/2018.

Hence, clubbing of both the suit is not maintainable. Hence, prays to dismiss the application.

4. Heard the argument of counsel for plaintiff and the defendant. Perused the documents available on record.

5. The following points are arise for my consideration:

1) Whether the plaintiff has made out grounds to allow the application?

2. What Order?

6. My answer to above points are as under:

Point No.1 : In the Negative

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

REASONS

7. Point No.1: The plaintiff has filed this suit against the defendants for the relief of permanent injunction. The defendants have filed written statement by denying the claim of plaintiff. When the matter is posted for cross of DW-1, the plaintiff has filed the present application. In the affidavit, the plaintiff has stated that, he has filed another in OS.No.82/2018 against defendants No.4 to 8 herein for the same relief. For effective adjudication it is necessary to club both the suits.

8. On perusal of the materials available on record, it discloses that the plaintiff has filed the suit for the relief of permanent injunction. When the matter is posted for cross of D.W.1, the plaintiff has filed the present application. In the affidavit the plaintiff has stated that he has filed

another suit in OS.No.82/2018 which is pending before this Court for arguments. In both the suits, if evidence of the parties is not commenced, then the above application is maintainable but in the present case, evidence of plaintiff is completed. When the matter is posted for cross of D.W.1, the plaintiff has filed the present application at belated stage. As stated above, the evidence of plaintiff is completed in the present suit and chief examination affidavit of D.W.1 has been recorded. The defendants No.1 to 3 in OS.No.82/2018 are not parties in the present suit. The properties mentioned in both the suits are different. Therefore, if the application is filed before commencement of evidence, then the above application could have been allowed but when the evidence in the present suit is completed, the above application is not maintainable at this stage. The above application is filed only to prolong the case. **Hence, above point is answered in the Negative.**

9. Point No.2: In view of the answer and reasons stated in point No.1, this Court proceed to pass the following;

ORDER

IA.No.11 filed by plaintiff U/s 151 C.P.C is hereby dismissed with cost.

[Dictated to the Stenographer, transcribed by her and corrected by me and pronounced in the Open Court on 23rd day of April 2026]

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**

OS.88/2018

(Order pronounced in open court vide separate order)

ORDER

IA.No.11 filed by plaintiff U/s 151 C.P.C is hereby dismissed with cost.

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**