

KARC010024042025



Presented on : 16-10-2025
Registered on : 17-10-2025
Decided on : 26-03-2026
Duration : 0 years, 5 months, 10 days

**IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE RAICHUR**

Dated this the 26th day of March, 2026

PRESENT

Sri Maruti S. Bagade,
B.Com., LL.B. (Spl),
Principal District & Sessions Judge,
Raichur.

Civil Misc. No.64/2025

Petitioner : Govindaraj S/o Rangayya
Kottadoddi, age : 52 years,
Occupation: agriculture,
R/o Googal village,
Tq. Deodurga, Dist. Raichur.

(Plaintiff in O.S.No.104/2023 on
the file of Sr. Civil Judge /
Deodurga and defendant No.1 in
O.S.No.64/2024 on the file of Civil
Judge Deodurga)

**(Represented by
Sri J.B.G, Advocate)**

//Vs //

Respondents: 01. CH. Gopala Rao
S/o Ramalingeshwara Rao,
Age : 54 years, occ: agri,
R/o Googal village,

Tq. Deodurga, Dist. Raichur.
(Defendant No.2 in O.S.No.
104/2023 on the file of Sr.
Civil Judge/ Deodurga and
plaintiff in OS.No.64/2024
on the file of Civil Judge
Deodurga).

02. Smt. Basamma
W/o Hanumayya,
Age : 35 years, occ: Household
& agriculture, R/o Gabbur
village, Tq. Deodurga, Dist.
Raichur. (Defendant No.1 in
O.S.No. 104/2023 on the file of
Sr. Civil Judge/ Deodurga and
defendant No.2 in OS.No.64/24
on the file of Civil Judge
Deodurga).

***(Represented by Sri S.T.H.R.,
Advocate for R1, R2 absent)***

ORDER

This is the petition filed by the petitioner under
Section 24 of CPC seeking transfer of
O.S.No.64/2024 pending on the file of Civil Judge,
Devadurga to the Court Sr. Civil Judge, Devadurga
for trial along with O.S.No.104/2023.

2. In the affidavit annexed to the application it has
been contended by the petitioner that he has filed
OS.No.104/2023 before the Hon'ble Sr. Civil Judge

Devadurga against the present respondents seeking the relief of declaration, injunction in respect of land bearing Sy.No.33/*/* measuring 03 acre 01 guntas out of 05 acre 17 guntas, situated at Googal village, Tq. Devadurga and the said suit was posted for cross of PW1 by the present respondents. Further contention of the petitioner is that present respondent No.1 has filed OS No.64/2024 before the Civil Judge Devadurga seeking the relief of Injunction in respect of same property against him and said case is posted for evidence. Therefore, in order to avoid conflicting Judgments it is necessary to dispose of both suits through common trial and evidence. In order to accommodate for common disposal, it is just and proper to transfer the OS No.64/2024 from Civil Judge Devadurga to the Court of Sr. Civil Judge Devadurga for trial along with O.S.No.104/2023.

3. After service of notices, the respondent No.1 appeared before the Court through his counsel Sri Syed Tariq Hasan Razvi Advocate and filed the

objection. However, inspite of issue of notice the respondent No.2 not appeared hence he has been treated as absent.

4. The sum and substance of objection of respondent No.1 is that he is defendant No.2 in OS.No.104/2023 and filed IA No.1 under Order 39 Rule 1 (a) of CPC which came to be rejected, therefore he has filed suit OS.No.64/2024. Thereafter he has filed IA in OS.No.64/2024 which came to be allowed, issues were also framed and now the case is posted for evidence of plaintiff. Further contention of the respondent No.1 is that OS.No.64/2024 was adjourned for several dates for cross-examination and ultimately on 12.09.2025 the court has forfeited the right of the defendant/ petitioner to cross-examine the witness and posted the matter for defendant's evidence. Therefore at this stage it is not proper to transfer the case and requested the court to reject the petition.

5. Heard the arguments and perused the records.
6. The points that would arise for my consideration are:

1. Whether the petitioner has made out the grounds for withdrawal of O.S.No.64/2024 pending before Civil Judge & JMFC Devadurga and transfer it to Senior Civil Judge & JMFC Devadurga for trial with O.S.No.104/2023?

2. What order?

7. 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

8. **Point No.1:** After careful examination of over all facts and circumstances of the case one thing is crystal clear that the parties and properties involved in OS.No.64/2024 and in OS.No.104/2023 are one and the same.

9. The relief that is claimed in OS.No.64/2024 is mere perpetual injunction; whereas the relief claimed in OS.No.104/2023 is for declaration and perpetual injunction in respect of the same property. In my considered opinion, there are every chances of divergent findings in both Courts in respect of same property. It is matter of record that the OS.No.104/2023 filed by the present petitioner is for the relief of declaration and injunction and therefore it is a comprehensive suit. On the other hand OS.No.64/2024 filed by the respondent No.1 is nothing but a narrow relief. It is therefore what I am of the opinion is that it is nothing but a suit of narrow reliefs and therefore OS.No.64/2024 can easily be clubbed in OS.No.104/2023 and tried together so as to avoid inconsistent Judgments as well as multiplicity of proceedings, as because the parties and properties involved in both cases are one and the same. Hence point No.1 under discussion is answered in the **“affirmative”**.

10. **Point No.2:** In view of the aforementioned reasons, I proceed to pass the following:

ORDER

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

The O.S.No.64/2024 is withdrawn from the file of Civil Judge & JMFC, Devadurga and transferred to the Sr. Civil Judge & JMFC Devadurga for trial along with O.S.No.104/2023 and disposal in accordance with law.

No order as to cost.

(Dictated to the Stenographer Grade-III directly on Computer, transcribed & corrected, initialed & then pronounced by me in the open Court on the 26th day of March, 2026).

(Maruti S. Bagade)

Principal District & Sessions Judge
Raichur.

*ssp