

ORDERS ON IA NO.IV

The defendant no.3 filed this IA No.4 U/Sec.10 R/w.Sec.151 of CPC to stay this suit in the interest of justice.

2. In the accompanying affidavit defendant no.3 contended that the present suit is for declaration, injunction, cancellation of cancellation of sale deed. Further contended that earlier defendant no.3 filed suit for permanent injunction against the present plaintiffs in OS.No.24/2024 before the Civil Judge & JMFC Court at Devadurga and the said suit is pending. In the said suit the court has passed injunction order and also ordered for Police protection. Later the plaintiffs have filed the present suit by knowing fully well that the suit OS No.24/2024 in Civil Judge & JMFC Court at Devadurga is already filed by defendant no.3 and they have also appeared in the same suit when the dispute is regarding to land property in question is pending between the same parties in respect of same landed property. The defendant no.3 is the absolute owner and possessor of the suit land properties of Sy.No.996/1/1 measuring 02 acers 15 guntas and Sy.No 998/1/2 measuring 01 acers 08 guntas situated in Gabbur village. In order to avoid avoid precious time of Court and also to avoid conflict judgment in both suits. Hence it is necessary to stay the suit until dispose of

O.S.No.24/2024. Hence prays to allow the application.

3. On the other hand the plaintiff filed objection. In the objection contended that the defendant no.3 is not approached the court with clean hands. The defendant no.3 suppressed true facts of injunction order with police protection in O.S.No.24/2024 dated 06.12.2024 passed by the Civil Judge and JMFC, Devadurga. The said order is not binding upon the defendant no.4 to 7 because the defendant no.4 to 7 are impleaded on 24.03.2025. Hence before impleading the defendant no.4 to 7 the order passed against the only defendant no.1 to 3. Hence seeking stay of suit does not arise. The defendant no.4 to 7 in O.S.No.24/2024 are the plaintiffs in O.S.No.50/2024. The Civil Judge court has passed any stay proceedings against these plaintiffs. Hence application is fit to be rejected. The plaintiffs filed miscellaneous petition before the Hon'ble PDJ Raichur to transfer the case U/Sec.24 of CPC the said Misc.No.12/2026. Hence present application is not maintainable. Hence prays to reject the application.

4. Heard both sides.

5. After going through the materials available on record the plaintiff filed this suit for declaration, injunction and cancellation of sale deed against the defendant no.1 to 3. The

defendant no.3 who is the purchaser filed this application to stay the suit as the defendant no.3 as already filed O.S.No.24/2024 for permanent injunction against the defendant no.1 to 3 initially. Subsequently the defendant no.4 Neelamma is impleaded as per order on IA NO.3 and 4 on 24.03.2025. The said Neelamma is the plaintiff no.1 in present suit. The present suit was filed in the year 2024 the Neelamma was impleaded in O.S.No.24/2024 subsequent to this suit. The defendant no.1 to 3 in O.S.No.24/2024 are not the parties in present suit and nature of suit in both suits are different. Hence considering the material this court is of the opinion that the defendant no.3 has not made out sufficient grounds to allow the application. Hence, this Court proceed to pass the following;

ORDER

IA No.IV filed by the defendant no.3 U/Sec.10 R/w.Sec.151 of CPC is hereby rejected.

**Senior Civil Judge and J.M.F.C.,
Devadurga.**