

Date: 29-07-2015

**ORDERS ON MEMO**

The plaintiff has filed this memo with a prayer to permit him to withdraw the suit as he does not want to proceed with the suit and prays for a dismissal.

2. To this memo, the 7<sup>th</sup> defendant has filed his objections that the memo is not maintainable and the plaintiff had to pay the court fee according to Section 66 of the KSF and SV Act but only to avoid the payment of court fees he has filed a memo for withdrawal. Already evidence has been lead by the plaintiffs and the 7<sup>th</sup> defendant also filed a miscellaneous petition seeking all the suits to be tried by the same court. Therefore, the memo filed is not maintainable and hence prayed to dismiss the same.

3. I have heard the arguments and also perused the case papers.

4. The plaintiff of this suit has filed the suit for the relief of declaration and for vacant possession and also for mandatory injunction. However, the counsel for the defendant has produced the copy of the orders passed by the Hon'ble Prl. Dist and Sessions Judge, Ramanagara in Mis.3/2014 dated 09-01-2015. I have perused the orders of the Hon'ble Prl. Dist and Sessions Judge, Ramanagara, wherein the order reads

that the Addl. Senior Civil Judge, Ramanagara is directed to club the suits O.S.364/2010, O.S.365/2010, O.S.366/2010, O.S.92/2013, O.S.343/2014 and Misc.3/2009 together for the purpose of recording common evidence and too pass common judgment. R.A.90/2009 should be kept pending till the finality of the suits and to dispose of the R.A., with the above 6 cases. With this observation there is an order of the Hon'ble Prl. Dist and Sessions Judge, Ramanagara. Therefore, I find that this court has to club all the cases as observed in the miscellaneous petition but this court cannot now order for withdrawal or for separate trial of the cases because there is a direction by the Honb'el Prl. Dist and Sessions Judge, Ramanagara, to club all the 6 cases and to hold a common trial. If really the plaintiff did not want to prosecute some of the suits, they ought to have filed such objections in the miscellaneous petition before an order was passed for clubbing all the cases together. In view of the orders passed in Mis.3/2014 I find that the cases now before the court cannot be withdrawn independently unless all the cases are disposed off together. Hence, the memo filed by the plaintiff deserves to be dismissed and I pass the following

### **ORDER**

The memo filed by the plaintiff is hereby dismissed.

In view of the orders by the Hon'ble Prl. Dist and Sessions Judge, Ramanagara, in Mis.3/2014 all the cases

O.S.364/2010, O.S.365/2010, O.S.366/2010, O.S.92/2013, O.S.343/2014 and Mis.3/2009 shall be clubbed together and heard along with R.A.90/2009.

Call on 24-08-2015.

**Addl. Senior Civil Judge,  
Ramanagara.**