

IN THE COURT OF THE PRL CIVIL JUDGE & JMFC,

AT CHANNAPATNA.

PRESENT

SRI. MAHENDRA.M B.A, LL.B.,
Prl. Civil Judge & JMFC,
Channapatna.

Dated this 11th day of August-2020

O.S. NO.13/2015

PLAINTIFF : Sri. M.N.Ramesh Babu

-Vs-

DEFENDANTS : Smt. R.Manjula & Another

I.A.No.II

APPLICANT

DEFENDANT No.1 : Smt. R.Manjula

-V/s-

OPPONENT

PLAINTIFF : Sri. M.N.Ramesh Babu

ORDERS ON IA.No.II

This is an application filed by the defendant No.1 under Section 151 C.P.C. for stay the further proceedings in this case.

2. The averments of the affidavit filed in support of the application are as follows:-

This suit filed by the plaintiff against the defendants on the basis of agreement to sell dated.07.11.2012. The defendant No.1 filed written statement and denied the plaint averments. The 1st defendant filed private complaint against the plaintiff. The said private complaint is stayed before the Hon'ble High Court of Karnataka and the said criminal petition before Hon'ble High Court of Karnataka was dismissed and remanded the matter to the Trial Court for the further proceedings. In the said reason necessary to stay the proceedings in this case. Hence allow the I.A No.II.

3. The counsel for the plaintiff filed an objection to IA.No.II contended that, the application filed by the 1st defendant is not maintainable either in law or on facts the same is liable to be dismissed in limine. The plaintiff contended that, after examination of PW.1 and 2 the 1st defendant filed an her written statement. The present suit shutdown for cross-examination of PW.1 and 2. The 1st defendant only intention to drag-on the proceedings the present I.A is filed. The criminal petition was disposed on.20.03.2019. Hence the present I.A is not maintainable. Hence prayed that dismiss the I.A No.II filed by the 1st defendant.

4. The following points are arise for consideration of this court :-

POINTS

1. Whether the applicant/1st defendant proves that the I.A No.II is deserves to be allowed?
2. What order?

5. Heard both sides and perused the records. I answer the above points as follows:-

- Point No.1:- In the Negative
Point No.2:- As per final order
for the following:-

REASONS

6. **Point No.1**:- The plaintiff filed present application seeking stay the further proceedings of this case. The suit filed by the plaintiff against the defendants for the specific performance and declared that sale deed is null and void. The case is posted for cross-examination of PW.1 and 2, at this stage the present application filed by the 1st defendant.

7. The 1st defendant stated in this application the private complaint filed against the plaintiff and others in respect of alleged agreement of sell. According to 1st defendant the private complaint is pending for adjudication. The order of Criminal Court is not binding to Civil Court. Only pending the criminal matter there is no ground to stay the proceedings of Civil Suit. Hence the present application filed by the 1st defendant is not maintainable. **Hence, answer the Point No.I in the Negative.**

11. **Point No.2**:- For the above reasons I proceed to the pass the following:-

ORDER

The IA.No.II filed by the 1st defendant under section 151 of C.P.C. is hereby rejected, subject to cost of Rs.200/-.

Sd/-

(MAHENDRA. M)
Prl. Civil Judge & J.M.F.C,
Channapatna.

(Order pronounced vide separate order in the open court)

ORDER

The IA.No.II filed by the 1st defendant under section 151 of C.P.C. is hereby rejected, subject to cost of Rs.200/-.

Sd/-

(Mahendra. M)
Prl. Civil Judge & J.M.F.C,
Channapatna.