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**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC,
SORABA**

PRESENT

SRI.R.CHANDRAPPA HONNUR, M.A.LL.B(Spl.)
Senior Civil Judge and JMFC, Soraba.

DATED THIS THE 3RD DAY OF JANUARY 2026

OS NO.01/2015

PLAINTIFFS: Smt. Shailaja K. Patil and others

// Versus //

DEFENDANTS: Smt. Lalithamma and others

ORDER ON PRELIMINARY ISSUE

The plaintiffs have filed a suit for partition and separate possession of their share in the suit schedule properties. In pursuance of the summons, the defendants No.1 to 6, 7(b to e) and 8 have appeared through their counsel. The defendant No.7(a) remained absent and set exparte. The defendants No.3 and 7(c) have filed separate written statement. The defendants No.6 to 8 have filed common written statement. The defendant No.3, 6 and 7(c) have also filed separate additional written statement. The written statement filed by the defendant No.3 is adopted by defendants No.4 and 5 by filing a memo. The additional written statement filed by defendant No.6 is adopted by

defendants No.7 and 8 by filing a memo. The written statement and additional written statement filed by defendant No.7(c) is adopted by defendants No.7(b & d to e) by filing a memo.

The defendants No.7(b to e) have contended in additional written statement that the item No.11 of suit schedule A property was regranted to R.C. Patil in 1997-98 hence, the plaintiffs have no rights in the suit property. The plaintiffs have not produced form No.11, grant order passed by the Land Tribunal, Soraba. The tenancy dispute is pending before the Land Tribunal, Soraba hence, this court has no jurisdiction to try the suit.

2. On the basis of above pleadings the court has framed the following additional issue No.10 on the point of territorial jurisdiction of the court to try the suit and the same is treated as preliminary issue.

Addl. issue No.10: Whether the defendants No.7(b to e) prove that this court has no territorial jurisdiction to try the suit?

3. Heard learned counsel appearing for the parties. Perused the material on record.

4. My finding to the above Addl. issue as follows:

Addl. issue No.10: In the negative.

REASONS

5. **ADDL. ISSUE NO.10:** The plaintiffs have filed a suit for partition and separate possession of their share in the suit schedule properties. The defendants No.7(b to e) have filed additional written statement and contended that the tenancy dispute is pending before the Land Tribunal, Soraba hence, this court has no jurisdiction to try the suit. Accordingly, the court has framed an additional issue No.10 on the point of territorial jurisdiction of the court to try the suit.

The defendants No.7(b to e) have not placed any material on record to show that the tenancy dispute is pending before the Land Tribunal, Soraba in respect of the suit item No.11 property. Therefore, I am of the view that this court has got jurisdiction to try the suit. Accordingly, additional issue No.10 answered in the negative and I proceed to pass the following:

ORDER

This court has jurisdiction to try the suit.

No order as to cost.

(Dictated to the stenographer directly on computer, corrected and then pronounced by me in the open court on this the 3rd day of January 2026)

(SRI. R.CHANDRAPPA HONNUR)
Senior Civil Judge & JMFC, Soraba