

ORDERS

The Counsel for defendant has filed a memo praying to club the present suit with OS No. 101/2018 and permit to lead the common evidence.

2. It has been stated that the present suit has been filed by the plaintiff for permanent injunction and the defendant has filed OS No.101/2018 for specific performance of contract, declaration and injunction with respect to the same subject matter. Hence prays to club both the suits.

3. Per contra, the counsel for plaintiff has filed the objections stating that the said memo filed by the defendant for clubbing the suits is not maintainable, the cause of action for both the suits are different in nature and also issues to be decided are also different. Defendant in order to drag the proceedings has filed this memo. Hence prays to dismiss.

4. Heard both the sides.

5. Now the question which arises is that whether it is just and proper to club both the suits and try together. On perusal of the pleadings of the both the suits, it appears that the present suit filed by the plaintiff is one for permanent injunction and the OS No. 101/2018 filed by the defendant is one for specific performance of contract and injunction.

6. It is pertinent to note that the parties in both the suits are one and the same and the subject matter involved in both the suits is also the same. In both the suits, common question appears to be involved and the reliefs claimed are identical. In such a situation, it is always safe for the court to club both the suits. The Court by exercising its inherent power may pass an order to consolidate the suits in order to avoid conflicting judgments and to save valuable time, energy and money by clubbing the cases involving common question together. It will be convenient to the parties also.

Hence this Court is of opinion to club both the suits and try them together.

Hence, the following order -

ORDER

Both the suits i.e., OS No.23/2018 and OS No. 101/2018 are hereby clubbed together.

Since the evidence has already been commenced in OS No. 23/2018, the parties are hereby directed to adduce their common evidence in OS No.23/2018.

Since the matters are of 2018, both the parties are hereby directed to co-operate for speedy disposal of the cases.

Addl. Civil Judge, Ankola