

KAUK510015762022



ORDER ON I.A.NO.V

The plaintiffs have filed I.A No.V under Order 2 Rule 3 R/w Section 151 of C.P.C., praying to club instant suit with O.S No.61/2022 filed by the defendant in the interest of justice.

2. In the Affidavit, the plaintiff no.2 stated that, the defendant has filed O.S No.61/2022 pertaining to suit property. They have filed this suit for the relief of permanent injunction with respect to suit property. These two suits are filed between the same parties with respect to same property for grant of identical relief. If both suits are tried independently, there is likelihood of conflicting decisions. Therefore, it is just and necessary to club both suits for their disposal on merits in accordance with law. If the suits are clubbed and tried jointly, no hardship will be caused to the both parties. With these contentions, the plaintiff no.2 prayed to allow the application.

3. In spite of sufficient opportunity, the defendant has not filed objections to I.A No.V, hence, objections taken as not filed.

4. Heard counsel for plaintiffs. Perused records.

5. This suit filed by the plaintiffs for the relief of cancellation of Sale Deed dated 16.05.2022 with respect to suit property along with consequential relief of permanent injunction and O.S No.61/2022 was filed by the defendant in this suit for the relief of specific performance of oral Agreement of Sale dated 21.11.2014 supported by registered Irrevocable General Power of Attorney cum Agreement dated 17.01.2015 and also for consequential relief of permanent injunction. Now both suits are at the stage of plaintiffs' evidence and the plaintiffs in this suit have filed this application to club this suit OS No.61/2022.

6. The description of suit property and parties to both suits are one and the same and both suits have been filed with respect to same properties but, the reliefs sought in both suits are connecting to each other. Under

these circumstances, to avoid conflicting decisions and also to save valuable time and money both suits have to be clubbed. Further, in spite of sufficient opportunity, the defendant has not filed objections to the application. Under these circumstances, there are no impediments to allow the application. Hence, I proceed to pass the following;

ORDER

I.A.No.V filed by the plaintiffs under Order 2 Rule 3 R/w Section 151 of C.P.C., is hereby allowed.

This suit is clubbed with O.S No.61/2022 for trial. The evidence will be recorded in O.S No.61/2022.

No order as to costs.

Sd/-

**Civil Judge and JMFC,
Haliyal**