

Plaintiffs No. 2 and 6 are present. The Defendant No. 34 has filed the IA No.17 under Section 151 of CPC by seeking Clubbing of this Suit with OS No. 2/2019. I have Heard the reply of Plaintiffs Counsel on the IA No. 17.

The Stage of this Suit is for cross-examination of the PW1 and at the Stage of cross-examination of PW1 on 18.10.2025 and on 22.11.2025, the Defendants have submitted about Settlement but, when they could not Report any Settlement with the Plaintiffs, they have filed the IA No. 17 on 09.01.2026 for Clubbing of this Suit with OS No. 2/2019.

I have perused the Record of the OS No. 2/2019 and it is Noticed that, when the said Case was Posted for Defendants Evidence on 19.12.2025, the Defendant No. 2 of the OS No. 2/2019 has filed IA No. 17 in this Suit in OS No.50/2020 for Clubbing.

Both Suits are Pending respectively from the Year 2019 and 2020 and the Defendant No.2/ Defendant No. 34 in both Suits is wasting the Time of the Court by not conducting cross-examination of PW1 in OS No. 50/2020 and not adducing Defendants Evidence in OS No.2/2019.

The nature of the Two Suits and Relief Claimed in Two Suits are different and there are so many Defendants in both Suits and therefore, it will be difficult for the Court to appreciate the Evidence in Two different Suits if Common Evidence is Recorded in One Suit.

As a Judge who Records Evidence, I have No Hardship and Problem in Recording separate Evidence in Two Suits but, the Defendant No.2/Defendant No.34 of both Suits is seeking Clubbing of the Suits for Recording Common Evidence.

Therefore, **I do not see any Good Reasons to allow the IA No. 17 and therefore, the IA No. 17 is Dismissed.**

The PW1 remains absent. Posted Finally for cross-examination of PW1 by considering the Pendency of the Suit since 2020 and if the Defendants did not conduct cross-examination of the PW1 on the next date of hearing, No more leniency will be shown to the Parties.

Call on finally for cross-examination of PW1 on 07.03.2026.

Itinerary
Senior Civil Judge
Hoovinahadagali.