



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 1476 OF 2022 (GM-CPC)

BETWEEN:

1. SRI. L. T. RAVI KUMAR,
S/O THIMMAIAH,
AGED 42 YEARS,
R/AT D.No.(OLD No.1812/1),
NEW No.36, 2ND CROSS,
GIRIYABHOVIPALYA,
NAZARABAD MOHALLA,
MYSURU 570 010.

...PETITIONER

(BY SRI DILIPKUMAR L., ADVOCATE FOR
SRI SANGAMESH R. B., ADVOCATE)

AND:

1. SMT. MAHADEVI,
W/O LATE RAMU,
AGED ABOUT 52 YEARS,
R/AT No.22,
GIRIYABHOVIPALYA,
NAZARABAD MOHALLA,
MYSURU 570 010.

...RESPONDENT

(BY SRI DHARMAPAL, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED ORDER DATED 10.12.2021 PASSED IN
MISCELLANEOUS No.26/2021 ON THE FILE OF PRINCIPAL
DISTRICT AND SESSIONS JUDGE AT MYSURU ANNEXURE-A.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

Heard Sri Dilip Kumar L., learned counsel for Sri Sangamesh R.B., learned counsel for the petitioner, and Sri Dharmapal, learned counsel for the respondent.

2. This writ petition is filed by the plaintiff in O.S. No.1295/2014, pending on the file of the Principal Civil Judge (Jr. Dn.), Mysore, challenging the order dated 10.12.2021 passed in Miscellaneous No.26/2021 by the Principal District and Sessions Judge, Mysore, whereby the petition filed under Section 24 of the CPC has been rejected.

3. The trial Court, under the impugned order, has held that O.S. No.1295/2014 and O.S. No.732/2019 relate to different properties and are required to be tried independently. During the pendency of this writ petition, the petitioner has not only delayed the suit of 2014 by voluntarily submitting that he



would not precipitate O.S. No.732/2019, but has also equally contributed to the delay in the adjudication of the suit of 2019.

4. Learned counsel for the petitioner submits that the suit schedule properties in both the suits are one and the same. However, it is contended that the respondent has furnished an incorrect description in O.S. No.732/2019, thereby leading the trial Court to record a finding that the subject matter of the two suits is different.

4.1. Learned counsel further submits that, as O.S. No.1295/2014 was instituted earlier, the subsequent suit in O.S. No.732/2019 is required to be transferred and tried along with O.S. No.1295/2014. It is contended that the impugned order has failed to appreciate the necessity for a common trial of both suits.

5. Per contra, Sri Dharmapal, learned counsel appearing for the respondent, submits that the description and identity of the properties forming the subject matter of both the suits are different and not interconnected. It is further contended that the rights to be adjudicated in the two suits are independent of each other and not interdependent. It is



submitted that the request for transfer of O.S. No.732/2019 to be tried along with O.S. No.1295/2014 was made only to delay the conclusion of the suit of 2019. It is further submitted that the trial Court, under the impugned order, has rightly rejected the request for clubbing of the suits.

6. Having considered the submissions made by the learned counsel for the parties and upon perusal of the writ petition, this Court is not inclined to entertain the same. As can be discerned from the pleadings, O.S. No.1295/2014 instituted by the petitioner pertains to a house and vacant site bearing No.1812/1, measuring east to west 136 feet and north to south 40 feet, including a house constructed on an area measuring 60 x 40 feet, now assigned a new number as 34A. The subject matter of O.S. No.732/2019 is property bearing Site No.1812/3, N-33B, measuring east to west 45 feet and north to south 50 feet.

6.1 On the face of the record, it is evident that the properties forming the subject matter of the suits are distinct and not one and the same. The site numbers are different, and the newly assigned numbers also differ. The pleadings further



indicate that the properties have been acquired by the respective parties under different sale deeds. However, the petitioner has not produced either of the sale deeds to substantiate his contention.

6.2 To assess the bona fides of the application seeking a combined trial, this Court has examined the prayers made in the petition filed under Section 24 of the CPC. If the request for a combined trial were bona fide, the petitioner would not have hesitated to seek transfer of the suit of 2014 to be tried along with the suit of 2019. Significantly, such a prayer is conspicuously absent in the application.

6.3 Further, upon perusal of the pleadings in the writ petition, it is noticed that neither any averment nor any prayer is made seeking transfer of the suit of 2014 to be tried along with the suit of 2019. This conspicuous absence lends credence to the apprehension and contention of the respondent that the transfer petition has been filed only to delay the proceedings in both the suits. This aspect has also been duly noticed by the trial Court in the impugned order.



7. For the aforesaid reasons, this Court finds no justification to interfere with the impugned order. It is further noticed that the petitioner, by filing the present writ petition, has not only delayed the adjudication of his suit of 2014 by making a concession not to precipitate O.S. No.732/2019, but has also caused delay in the adjudication of the suit of 2019. The stay of the proceedings in O.S. No.732/2019 has been operating since 14.11.2022. The present petition has thus resulted in delaying the conclusion of both suits pending before the trial Court. The lack of bona fides and the dilatory tactics adopted by the petitioner are evident.

8. In the circumstances, while dismissing the writ petition, this Court deems it appropriate to impose costs on the petitioner. Accordingly, the petitioner is directed to pay costs of Rs.10,000/-, to be deposited before the District Legal Services Authority, Mysuru. In the event the costs are not deposited on or before the next date fixed in O.S. No.1295/2014, the trial Court shall dismiss the suit for non-compliance with this order.

9. If the costs are duly paid, the trial Court is directed to complete the trial in O.S. No.1295/2014 within a period of



six months from the date of production of a copy of this order. Likewise, the trial Court is requested to expedite the adjudication of O.S. No.732/2019, subject to the cooperation of both parties.

10. With the above observations, the writ petition stands ***dismissed***.

Any observations made in the course of this order shall not influence or prejudice the rights of the parties in the pending suits.

**Sd/-
(K. V. ARAVIND)
JUDGE**