

(2023) 09 KAR CK 0071
In the Karnataka High Court
Case No : Civil Revision Petition No. 419 Of 2023

Bachamma

APPELLANT

Vs

H V Manjunatha & Others

RESPONDENT

Date of Decision : 29-09-2023

Acts Referred:

Code Of Civil Procedure Code, 1908 — Section 24, 115

Citation : (2023) 09 KAR CK 0071

Hon'ble Judges : H.T. Narendra Prasad, J

Bench : Single Bench

Advocate : Shivashankar K, A G Nagaraja

Final Decision : Disposed Of

Judgement

H.T. Narendra Prasad, J

1. This revision petition is filed under Section 115 of the Civil Procedure Code by the plaintiff in O.S.No.317/2019 challenging the order dated 13.06.2023 passed by the Principal District & Sessions Judge, Bengaluru Rural District, Bengaluru in Misc.No.184/2022, whereby the petition filed by the plaintiff under Section 24 of CPC has been dismissed.

2. For the sake of convenience, the parties are referred to as per their ranking before the trial court.

3. The brief facts of the case are that the plaintiff filed O.S.No.317/2019 before the II Additional Civil Judge & JMFC, Hosakote. The defendants filed a suit in O.S.No.282/2019 before the Principal Civil Judge and JMFC, Hosakote. The plaintiff filed a Misc. Petition for clubbing both the suits. The defendants filed an objection contending that the suit schedule properties are not identical and objected for clubbing the suits. Therefore, the Misc. Petition filed by the plaintiff has been dismissed.

4. Heard the learned counsel for the parties. Perused the impugned order.

5. The defendants, who are the plaintiffs in O.S.No.282/2019 have disputed that the suit schedule properties in two suits are not identical and objected for clubbing both the suits. Since the parties in both the suits are one and the same, in the interest of justice, in exercise of power under Section 24 of CPC, the suit pending before the II Additional Civil Judge and JMFC, Hosakote in O.S.No.317/2019 is withdrawn and transferred to the Court of Principal Civil Judge and JMFC, Hosakote with a direction to try the suits from the stage where it has been stopped. It is for the Principal Civil Judge and JMFC, Hosakote to decide as to whether both the suits can be clubbed together and tried on considering the facts of the case. The Principal Civil Judge & JMFC, Hosakote is directed to consider the matter and pass appropriate orders, in accordance with law, without being influenced by the observations made in the order dated 30.06.2023.

6. With the above observations, the revision petition stands disposed of.