



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 11<sup>TH</sup> DAY OF JULY, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE C.M. POONACHA**

**CIVIL PETITION NO. 50 OF 2025**

**BETWEEN:**

SRI. NAGESH C.S.  
S/O LATE M.D.SRIRANGA,  
AGED ABOUT 80 YEARS,  
R/AT NO.482, 93<sup>RD</sup> CROSS,  
KUMARASWAMY LAYOUT,  
BENGALURU-560 078.

...PETITIONER

(BY SRI. JAGADEESWAR J., ADVOCATE FOR  
SRI. VIJAYA SHEKARA GOWDA V., ADVOCATE)

**AND:**

SMT. P. JAYALAKSHMI  
W/O PUTTARAJU P.,  
D/O NAGESH C.S.,  
AGED ABOUT 46 YEARS,  
R/A NO.902/25, 9<sup>TH</sup> CROSS,  
4<sup>TH</sup> MAIN, THIMMANNA BUILDING,  
AGRAHARA LAYOUT, YELAHANKA,  
BENGALURU-560 064.

...RESPONDENT

(BY SRI. G.K. SHIVA PRAKASH, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF  
THE CIVIL PROCEDURE CODE, PRAYING TO WITHDRAW THE  
SUIT IN O.S.NO.2093/2024 PENDING ON THE VII ADDITIONAL  
SENIOR CIVIL JUDGE, BANGALORE RURAL DISTRICT,  
BENGALURU AND TO TRANSFER THE SAME TO THE XXXVII



ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH 38) AND CLUB THE SAME IN O.S.NO.7370/2019 WITH A DIRECTION TO CLUB BOTH THE SUITS TOGETHER AND TO LEAD COMMON EVIDENCE AND TO DECIDE THE SAME ON MERITS IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

**ORAL ORDER**

The present petition is filed under Section 24 of the Civil Procedure Code, 1908<sup>1</sup> by the petitioner seeking to withdraw O.S.No.2093/2024 pending on the file of the VII Additional Senior Civil Judge<sup>2</sup>, Bengaluru Rural District, Bengaluru and transfer the same to the Court of the XXXVIII Additional City Civil and Sessions Judge, Bengaluru (CCH-38)<sup>3</sup> and to club the same with O.S.No.7370/2019 to lead common evidence and decide the same on merits.

2. The relevant factual matrix in a nutshell leading to the present petition is, the respondent instituted a suit in O.S.No.7370/2019 for partition and separate possession, which

<sup>1</sup> Hereinafter referred to as 'CPC'

<sup>2</sup> Hereinafter referred to as 'Bengaluru Rural Court'

<sup>3</sup> Hereinafter referred to as 'CCH-38'



is pending before the CCH-38. The respondent is the daughter of the petitioner. In the said suit, the petitioner is arrayed as defendant No.1 and his wife as defendant No.2. The brother of the respondent is defendant No.3 and the sisters of the respondent are defendant Nos.4 and 5. The petitioner has instituted O.S.No.2093/2024 before the Bengaluru Rural Court for declaration that the plaintiff is the absolute owner of the suit property and to direct the defendant therein (respondent herein) to quit and deliver vacant possession of the suit property to the petitioner/plaintiff as also for damages, mesne profits and other reliefs.

3. It is the contention of the learned counsel for the petitioner that the parties in O.S.No.2093/2024 are also the parties in O.S.No.7370/2019 and that the petitioner is aged more than 80 years. That it would cause great hardship to the petitioner to prosecute O.S.No.2093/2024 before the Bengaluru Rural Court while contesting O.S.No.7370/2019 instituted by the respondent before the CCH-38. It is further contended that the respondent being the daughter of the petitioner and the



partition dispute pending before the CCH-38, the relief sought for in the present petition be granted.

4. Per contra, the learned counsel for the respondent vehemently opposes grant of relief in the present petition and contends that the request made by the petitioner to include the suit property which is the subject matter of O.S.No.2093/2024 in O.S.No.7370/2019 has been specifically rejected by the trial Court and is pending consideration before this Court in a writ petition. It is further contended that O.S.No.7370/2019 is already at the stage of trial whereas O.S.No.2093/2024 is still at the initial stages. Hence, he seeks for dismissing of the present petition.

5. The submissions made by both the learned counsels have been considered and the material on record have been perused.

6. The relevant factual matrix insofar as the relationship between the parties is undisputed. The litigation pending between the parties as also the nature of litigation is a matter of record.



7. O.S.No.7370/2019 is for partition which is pending before the CCH-38 wherein both the parties herein who are the parties in O.S.No.2093/2024 are the parties in the said suit. Hence, it is just and proper that the same Court adjudicate both the suits.

8. However, having regard to the fact that apart from the parties herein who are parties in O.S.No.2093/2024 since there are other parties in O.S.No.7370/2019 as also the fact that other properties are involved in O.S.No.7370/2019, the question of clubbing both the suits does not arise.

9. In view of the aforementioned, the following order is passed:

**ORDER**

- i. The above petition is **partly allowed**.
- ii. O.S.No.2093/2024 pending before the VII Additional Senior Civil Judge, Bengaluru Rural District, Bengaluru shall stand transferred to XXXVII Additional City Civil and Sessions Judge, Bengaluru (CCH-38);



iii. The request made for clubbing of O.S.No.2093/2024 and O.S.No.7370/2019 is specifically rejected;

iv. The XXXVII Additional City Civil and Sessions Judge, Bengaluru (CCH-38) shall conduct further proceedings in both the suits in accordance with law;

v. The parties shall appear before the Transferee Court on 31.7.2025 without the requirement of any further notice being issued in this regard;

vi. All contentions of the parties on the merits of the respective suits are left open.

**Sd/-**  
**(C.M. POONACHA)**  
**JUDGE**

TL  
List No.: 1 Sl No.: 47