

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 10th DAY OF APRIL, 2012

BEFORE

THE HON'BLE MR.JUSTICE B.S.PATIL

CIVIL PETITION NO.40/2012

BETWEEN

- 1 SRI KARIYAPPA
S/O LATE HONNAIAH
AGED ABOUT 70 YEARS
R/AT DOOR NO. 129, 5TH CROSS
KURBARAHALLI
MYSORE - 570011 ... PETITIONER

(By Sri : GIRISH B BALADARE, ADV.)

AND :

- 1 SRI H MAYAPPA
S/O LATE HONNAIAH
AGED ABOUT 60 YEARS
R/AT BASAVANAHALLI, SY. NO. 127/2,
THOTADA MANE, VIJAYANAGAR,
4TH STAGE, HINKAL POST,
MYSORE
- 2 PUTTASIDDAMMA
W/O H MAYAPPA
AGED ABOUT 55 YEARS
R/AT BASAVANAHALLI, SY. NO. 127/2,
THOTADA MANE, VIJAYANAGARA
4TH STAGE, HINKAL POST,
MYSORE
- 3 JAVAREGOWDA S/O H MAYAPPA
AGED ABOUT 35 YEARS
R/AT BASAVANAHALLI, SY. NO. 127/2,

THOTADA MANE, VIJAYANAGARA
4TH STAGE, HINKAL POST,
MYSORE

- 4 HONNEGOWDA S/O H MAYAPPA
AGED ABOUT 32 YEARS
R/AT BASAVANAHALLI, SY. NO. 127/2,
THOTADA MANE, VIJAYANAGARA
4TH STAGE, HINKAL POST,
MYSORE
- 5 MANJU, S/O H MAYAPPA
AGED ABOUT 28 YEARS
R/AT BASAVANAHALLI, SY. NO. 127/2,
THOTADA MANE, VIJAYANAGARA
4TH STAGE, HINKAL POST,
MYSORE
- 6 MYSORE URBAN DEVELOPMENT AUTHORITY
JHANSI LAKSHMI BAI ROAD,
MYSORE,
REPRESENTED BY ITS COMMISSIONER
- 7 MALLAIAH S/O LATE HONNAIAH
AGED ABOUT 58 YEARS
NO. 15, T K STORE ROAD,
HOSABEEDI, HINKAL
MYSORE - 570017 ... RESPONDENTS

(By Sri : P SUBRAMANYA BHAT, ADV. FOR R1-5;
SRI.T.P.VIVEKANANDA, ADV. FOR R6;
R7 IS SD & UNREPRESENTED)

This Civil Petition filed Under Sec.24 of CPC
praying, for the reasons stated therein, that this
Hon'ble Court may be pleased to transfer the
OS.562/2005, pending on the file of the III Additional
Senior Civil Judge at Mysore to the IV Additional
Senior civil Judge at Mysore to tried along with
OS.135/11, in the interest of justice and equity.

This Petition coming on for Admission this day, the court made the following:

ORDER

This petition is filed u/s 24 of the Code of Civil Procedure seeking transfer of O.S.NO.562/2005 pending on the file of the III Additional Senior Civil Judge, Mysore to the IV Additional Senior Civil Judge, Mysore, to be tried along with O.S.NO.135/2011 pending on its file.

2. Petitioner had earlier moved the learned Principal District Judge, Mysore in Misc. No.82/2011 seeking the same relief u/s 24 of the CPC. By order dt.27.1.2012 the learned Principal District Judge dismissed the said petition rejecting the request made for transfer. Instead of challenging the order passed by the Principal District Judge, petitioner has chosen to file one more petition u/s 24 CPC seeking similar relief but by approaching this court. Such a petition cannot be entertained. As long as the order passed by the Principal District Judge dismissing the petition



filed seeking transfer of the cases is not challenged another petition filed u/s 24 CPC seeking the same relief cannot be maintained.

3. Therefore, reserving liberty to the petitioner to challenge the order passed by the Principal District Judge, this Civil Petition is dismissed.

**Sd/-
JUDGE**

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