

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23<sup>RD</sup> DAY OF SEPTEMBER, 2015

BEFORE

THE HON'BLE MR. JUSTICE A.N. VENUGOPALA GOWDA

**WRIT PETITION NO.31079 OF 2015 (GM-CPC)**

**BETWEEN:**

SRI NARAYANAPPA  
S/O OMBATHUGULI SUBBANNA  
AGED ABOUT 70 YEARS  
R/AT: NAGADENAHALLI VILLAGE  
MASTHI HOBLI  
MALUR TALUK  
KOLAR DISTRICT-563130

... PETITIONER

(BY SRI.A.G.NAGARAJA, ADV.,)

**AND:**

1. SRI SYED KALIMULLA  
S/O SYED ABDUL GAFFAR  
AGED ABOUT 57 YEARS  
R/AT: SALAMATH T HOUSE  
OPP: GIRLS HIGH SCHOOL  
BANGARPET TOWN  
KOLAR DISTRICT-563114
2. SRI SYED AMEENULLA  
S/O SYED ABDUL GAFFAR  
AGED ABOUT 52 YEARS  
R/AT: DOOR NO.606, 1<sup>ST</sup> CROSS  
TIPPU MASJID ROAD  
R.K.HEGGADE NAGARA  
BANGALORE-560 045

3. SRI SYED AMEED  
S/O SYED ABDUL GAFFAR  
AGED ABOUT 50 YEARS  
R/AT MASTHI VILLAGE  
MASTHI HOBLI  
MALUR TALUK  
KOLAR DISTRICT-563130

4. SRI S A KABIR  
S/O SYED ABDUL GAFFAR  
AGED ABOUT 80 YEARS

5. SRI SYED ISAAC  
S/O SYED ABDUL GAFFAR  
AGED ABOUT 70 YEARS

6. SRI SYED JALAL  
S/O SYED ABDUL GAFFAR  
AGED ABOUT 60 YEARS

DEF. NO.4, 5 & 6  
R/AT: MASTHI VILLAGE & HOBLI  
MALUR TALUK  
KOLAR DISTRICT-563130

... RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 4.7.2015 PASSED IN TRANSFER MISC. PETITION NO. 7/2015 VIDE ANN-D, BY PRINCIPAL DISTRICT AND SESSIONS JUDGE AT KOLAR AND TRANSFER THE CASES TO ANY ONE COURT TO LEAD THE INDEPENDENT EVIDENCE ON MERITS.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

Heard Sri.A.G.Nagaraja, learned advocate for the petitioner and perused the petition.

2. Learned advocate, to a pointed question of the Court, conceded that the issues in OS Nos.376/2011 and 139/2010 being distinct and separate, there is no need for a common trial i.e., by clubbing of the cases.

3. When there is no need for holding of a common trial, it is unnecessary to permit the transfer of the suits to one and the same Court.

4. Thus, petition filed under Section 24 of CPC, to transfer OS No.376/2011 pending on the file of the Principal Civil Judge, Malur to the Court of First Additional Civil Judge, Malur wherein OS No.139/2010 is pending, is being devoid of merit, learned District Judge is justified in dismissing the Misc. petition.

Consequently, petition being devoid of merit is rejected.

**Sd/-**  
JUDGE

GH