



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 17908 OF 2026 (GM-CPC)

BETWEEN:

1. P.N. CHINNAPPA REDDY
S/O NARAYANA REDDY,
AGED ABOUT 58 YEARS,
NO.4, PARAPPANA AGRAHARA,
ELECTRONIC CITY POST,
BENGALURUR-560100,
REP. BY HIS WIFE GPA HOLDER
PETITIONER NO.3 HEREIN.
2. KUMARI C.S. MONA,
D/O P.N. CHINNAPPA REDDY,
AGED ABOUT 28 YEARS,
NO.4, PARAPPANA AGRAHARA,
ELECTRONIC CITY POST,
BENGALURU-560100,
REP. BY HER MOTHER GPA HOLDER
PETITIONER NO.3 HEREIN.
3. SMT. B.K. SARALAVATHI,
D/O KESHAVULU REDDY,
AGED ABOUT 49 YEARS
RESIDING AT NO.137, 8TH CROSS
K.R. LAYOUT, NEAR INCHARA HOTEL,
PUTTENAHALLI MAIN ROAD,
J.P. NAGAR 6TH PHASE,
BENGALURU-560 078.

...PETITIONERS

(BY SRI. MANJUNATHA A., ADVOCATE)



AND:

1. SRI. V. PAVAN KUMAR
S/O B. VIJAY KUMAR,
AGED ABOUT 40 YEARS,
NO.31/91, 5TH MAIN,
5TH BLOCK, JAYANAGAR POST
BENGALURU-560041.
2. SRI V. KRUPANANDA,
S/O V.S. SATYANARAYANA,
AGED ABOUT 41 YEARS,
NO.2/274, PRODATUR,
KADAPA DISTRICT,
ANDHRA PRADESH-516360

ALSO AT
C/O SRI V. PAVAN KUMAR,
NO.31/91, 5TH MAIN, 5TH BLOCK,
JAYANAGAR POST,
BENGALURU-560041.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO FOR A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION SETTING ASIDE THE ORDER DATED 12.01.2026 ON I.A. NO.1/25 FILED UNDER SECTION 151 OF THE CPC IN O.S. NO.4301/2019 ON THE FILE OF THE XX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU (CCH NO.32), PRODUCED AT ANNEXURE-E AND ETC.

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



CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order passed on I.A.No.1/2025 in O.S.No.4301/2019 dated 12.01.2026 by learned XX Additional City Civil and Sessions Judge, at Bengaluru, the plaintiffs are before this Court.

2. The 2nd plaintiff/petitioner herein has filed a suit in O.S.No.6833/2016 seeking a declaration against the respondents herein. Thereafter, another suit, O.S.No.4301/2019, was filed by all the plaintiffs against the very same defendants, seeking a declaration that the agreement of sale is not binding on them and the cancellation of the agreement of sale. The suit in O.S.No.6833/2016 has already reached an advanced stage of argument, and at that stage an application was filed for recall and reopening of the chief examination of PW2. It was allowed on 25.01.2025. Another suit for a bare injunction is at the initial stage. The plaintiffs in O.S.No.4301/2019 have filed the present application under Section 151 of CPC praying to consolidate/club the suit in O.S.No.4301/2009 with



O.S.No.6833/2016, and that application was rejected by the impugned order.

3. Learned Counsel appearing for the petitioners submits that the subject matter of both the suits is the same and the defendants are also the same. Under these circumstances, if both the suits are clubbed together and the common evidence is led, it would be in the interest of the parties, and otherwise it would lead to conflicting judgments. In that view of the matter, the trial Court ought to have consolidated both the suits. But the trial Court, without considering all these aspects has dismissed the application.

4. Having heard the learned Counsel for the petitioners, perused the material on record. The first suit for injunction was filed by the daughter of the 1st plaintiff in the year 2016, and the second suit was filed by all the plaintiffs against the very same defendants in the year 2019, which is a comprehensive suit for declaration and other reliefs. While rejecting the application, the trial Court observed that, in cases pending consolidation, proceeding at the stage of consolidation would lead to delay and protraction of proceedings, defeating the



object of expeditious disposal. The trial Court placed reliance on the Apex Court judgment in ***Chittivalasa Jute Mills Vs. Jaypee Rewa Cement***¹, wherein it held that consolidation can be permitted only when it avoids multiplicity and the issues are substantially the same, and that if the suits are at different stages or involve different causes of action, consolidation would delay justice. Consolidation cannot be permitted when the subject matter, reliefs and issues are distinct and one suit has reached an advanced stage. Accordingly, the trial Court dismissed the application.

5. If the intention of the plaintiffs was to consolidate the suits, they would have sought consolidation at an early stage. Now, the suit for permanent injunction has almost reached an advanced stage of argument, while the other suit is at the initial stage of evidence. In these circumstances, the trial Court has rightly held that it is not appropriate to consolidate both suits, as it would unnecessarily delay the proceedings. In that view of the matter, this Court do not find any reason to

¹ (2004) 3 SCC 85



interfere with the impugned order passed by the trial Court. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition stands ***dismissed.***
- ii. Pending I.As., if any in the writ petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

DL
List No.: 1 Sl No.: 15