



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 31208 OF 2025 (GM-CPC)

BETWEEN:

SMT. SHANTHAMMA M
AGED ABOUT 71 YEARS
W/O SRI LATE L GOKUL REDDY
R/AT AGARA VILLAGE, HSR LAYOUT
BEGUR HOBLI, BANGALORE, 560102

...PETITIONER

(BY SRI. N SATISH., ADVOCATE)

AND:

1. SMT. JAYAMMA L
W/O SRI JAYARAM REDDY
AGED ABOUT 70 YEARS
R/AT AGARA VILLAGE
6TH CROSS, 24TH MAIN
BANGALORE-560102.
2. SMT. G. LAVANYA
D/O LATE L. GOKUL REDDY
AGED ABOUT 46 YEARS
3. SRI. G. LAKSHMINARAYANA REDDY
S/O LATE L. GOKUL REDDY
AGED ABOUT 45 YEARS.
4. SRI G SANTHOSH REDDY
S/O LATE L. GOKUL REDDY
AGED ABOUT 42 YEARS.
5. SRI G SATHYANARAYANA REDDY
S/O LATE L. GOKUL REDDY
AGED ABOUT 41 YEARS
R2 TO R5 ARE R/AT

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



BEHIND VENKATESWARA TEMPLE
AGARA VILLAGE, HSR LAYOUT POST
SARJAPURA ROAD, BEGUR HOBLI
BANGALORE SOUTH TALUK
BANGALORE-560 102.

6. SRI S RAGUNATH
S/O LATE H SHANKAR
MAJOR
7. M/S AKSHAY
PROPERTY DEVELOPERS PVT LTD.
REP. BY ITS DIRECTOR
SRI S RAGHUNATH
R6 & R7 ARE R/AT NO 306,17TH C MAIN
3RD BLOCK, RAJAJINAGAR
BANGALORE-560 010.
8. SRI CHANDRASHEKAR REDDY
S/O LATE K.BALARAMA REDDY
AGED ABOUT 88 YEARS
9. SMT K.MADAVI
W/O SRI K ANILKUMAR REDDY
AGED ABOUT 58 YEARS
10. SMT K.SUGUNAMMA
W/O SRI CHANDRASHEKARA REDDY
AGED ABOUT 81 YEARS
R8 TO R10 ARE R/AT MUNAGALLY VILLAGE
BUCHIREDDY PALERN MANDALAM
NELLUR DISTRICT-524305.
11. SRI V MAHESH
S/O SRI VENKATA REDDY
AGED ABOUT 56 YEARS
R/AT NO 2990/C, 12TH A MAIN
HAL 2ND STAGE, BENGALURU-560 008.
12. SRI ANILKUMAR REDDY
S/O SRI CHANDRASHEKARA REDDY



AGED ABOUT 61 YEARS
R/AT MUNAGALLY VILLAGE
BUCHIREDDY PALEM MANDALAM
NELLUR DISTRICT
ANDHARA PRADESH-524305.

13. SRI RAMAKRISHNA REDDY
S/O R. NARAYANA REDDY
AGED ABOUT 89 YEARS
14. SRI R PARANDAMA REDDY
S/O R RAMAKRISHNA REDDY
AGED ABOUT 89 YEARS
15. SRI R.VENKATAREAMI REDDY
S/O R. NARAYANA REDDY
AGED ABOUT 86 YEARS
R13 TO R15 ARE R/AT
VIKRUTHAMALA VILLAGE
YERPEDU MANDALAUM
KALAHASTHI TALUK
CHITTUR DISTRICT
ANDHRA PRADESH-517619.
16. SRI B.BUGGAIAH
S/O RANGAPPA
AGED ABOUT 91 YEARS
R/AT KOTTALAPALLI
VELPUMADUGU VILLAGE
VIDAPANAKAL MANDAL
ANANTHAPURA DISTRICT
ANDHRA PRADESH-515870.
17. SRI J SATHYANARAYANA
AGED ABOUT 87 YEARS
S/O LATE J. LAKSHMAIAH
R/AT TELAPORNU VILLAGE
GANNARAVARAM TALUK
KRISHNA DISTRICT
ANDHRA PRADESH-533284.



18. SMT SUMITHRAMMA
W/O LATE B.V.SEETHARAMAIAH
AGED ABOUT 79 YEARS
R/AT NO.66/A, RAGHVENDRA COLONY
CHAMARAJPET, BANGALORE 560 018

...RESPONDENTS

(BY SRI.M S VARADARAJAN, ADVOCATE FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A WRIT OF CERTIORARI QUASHING THE ORDERS DATED: 22.09.2025 PASSED BY THE PRINCIPAL CITY CIVIL AND SESSIONS JUDGE (CCH-1) AT BANGALORE, IN MIS NO. 269/2024 DISMISSING THE PETITION UNDER SECTION 24 (1) (B) (II) OF CIVIL PROCEDURE CODE VIDE ANNEXURE-A AND FOR SUCH OTHER RELIEFS WRIT DIRECTIONS, DECLARATIONS AND ORDERS AS THIS HON'BLE COURT MAY FIT TO GRANT INCULDING THE COSTS OF THIS PETITION.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner has called in question the order dated 22.09.2025 passed by the Principal City Civil and Sessions Judge, Bengaluru in Misc.No.269/2024 vide Annexure-A, whereby, the miscellaneous petition filed under Section 24(1)(b)(ii) read with Section 151 of CPC has been dismissed.



2. The petitioner herein was defendant No.1 in O.S.No.15741/2006 and also defendant No.2 in O.S.No.7850/2009. She filed a miscellaneous petition in Misc.No.269/2024 before the Principal City Civil and Sessions Judge, Bengaluru (hereinafter referred to as the 'First Appellate Court' for short), seeking transfer of the suit in O.S.No.7850/2009 pending before CCH-39 to CCH-22, wherein O.S.No.15741/2006 is pending, on the ground that the subject matter of the above suits is one and the same and the issues involved in the said suits are common. She further stated that if the suits are allowed to be decided by different Courts, there is a likelihood of the Courts recording contradictory findings and delivering divergent judgments. The said petition came to be dismissed. Being aggrieved by the same, the petitioner is before this Court.

3. Learned counsel appearing for the petitioner submitted that the two suits have been filed for partition and the family members involved in both the suits are the



same, except the purchaser. Some of the properties are not common in the two suits. If both the suits are clubbed, it would be convenient for the parties to adduce their evidence and a proper decree can be passed. There cannot be two preliminary decrees in respect of the same properties. Secondly, the application has been dismissed on the ground of delay. This Court, in an earlier round of litigation in W.P.No.24405/2023, granted liberty to the petitioner herein to seek clubbing of the suits, and such clubbing can take place only if the cases are transferred to the same Court. The Trial Court, by the impugned order, dismissed the petition, which is contrary to the observations of this Court.

4. Learned counsel appearing for respondent No.1 submitted that the suit in O.S.No.7850/2009 was filed in the year 2009 and the petitioner herein is also a party to the said suit. She has filed the miscellaneous petition after a lapse of more than 16 years seeking transfer of the said suit. In the said suit, the evidence has already been



completed. When the matter was posted for arguments, the miscellaneous petition has been filed only with an intention to drag or obstruct the proceedings. He further contended that any decree passed in O.S.No.7850/2009 would be binding on the parties in O.S.No.15741/2006. The Trial Court, after considering this aspect of the matter, has rightly dismissed the application.

5. Heard the learned counsel for the parties. Perused the writ petition papers.

6. It is not in dispute that the petitioner is a party in O.S.No.7850/2009 and she is aware that the properties involved in O.S.No.7850/2009 and O.S.No.15741/2006 are similar and she has participated in the proceedings. The evidence in O.S.No.7850/2009 has been completed. When the matter was posted for arguments, the miscellaneous petition has been filed seeking clubbing of the matters, that too after a lapse of more than 16 years. This clearly indicates that the petitioner intends to protract the proceedings. On an earlier occasion, the petitioner had



filed an application under Section 10 of CPC seeking stay of the proceedings in O.S.No.15741/2006, which came to be dismissed. The same was confirmed by this Court in W.P.No.24405/2023 on 08.11.2023. Though an observation was made that it is open to the petitioner herein to file an appropriate application for clubbing of the suits, it does not mean that such an application must necessarily be allowed. The Trial Court, after verifying the records and hearing the parties, has rightly dismissed the application on the ground that it was filed after a long delay. There is no error or illegality in the order passed by the Trial Court.

7. Accordingly, the writ petition is ***dismissed***.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE