



A.Nos.1858 & 1859 of 2021
in C.S.No.730 of 2014

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N.SESHASAYEE, J.

The Mediator's Report has been received and it is represented that the mediation has failed.

2.An outline to these applications is already provided in the order of this Court dated 17.09.2021 and the same is extracted:

"This is a partition suit laid in 2014. On 17.03.2021, this Court was informed by the learned counsel for the first defendant who also appears for defendants 2 to 5 that the written statement of the first defendant had been filed, that the same was returned and that it was being represented. Now, exactly six months later this Court is informed that the parties are likely to settle the issue.

2.The learned counsel for the defendants 7, 8 and 10 submits that these defendants along with the ninth defendant are the mortgagees of the A schedule property, that they have sold the property under Section 69 of the Transfer of Property Act and hence, have now come forward with these Applications in A.Nos.1858 & 1859 of 2021 to delete A schedule property from the suit and also to strike out the names of defendants 7, 8 and 10."

3.This Court then proposed to refer the matter to Mediation. The Mediation report is received today. As per which, the Mediation efforts have failed.



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4.Mr.Mukunth, the learned counsel appearing for the applicants made a statement that challenging the auction referred to above a suit was laid in C.S.No.796 of 2018. In view of the enhancement of the pecuniary jurisdiction, the suit was transferred to City Civil Court, where it is now pending in the board of 17th Additional City Civil Court in O.S.No.9149 of 2019. The subject matter of that Suit is A Schedule property herein and as an outlined earlier, the present Suit is laid for partition. Whether A Schedule property is available for partition or not depends on the outcome of the Suit in O.S.No.9149 of 2019. In view of the interrelation and interdependence between the two suits, this Court finds it just and necessary to transfer in O.S.No.9149 of 2019 now pending on the file of the 17th Additional City Civil Court to the file of this Court for being tried by this Court.

5.In view of this development, these two applications have become unnecessary and hence, they are closed. To reiterate, this is essentially in view of the fact that this Court now needs to evaluate if there is a triable issue in the suit pending before the City Civil Court and its impact on the present suit.



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6.The learned counsel for the defendants 7 to 10 also informs the Court that the Auction Purchaser of A Schedule Property is one Mr.Deepak Ranga.

7.As on date, there is a valid auction and there is an auction purchaser too. Ultimately, it is his interest which will be in peril in this Suit, if he were not to be in the party array. Therefore, this Court directs the plaintiffs to implead Mr.Deepak Ranga as a party/defendant in this Suit.

8.This Court is further informed Mr.Deepak Ranga is already in O.S.No.9149 of 2019 referred to above, which implies, the plaintiffs knew the material particulars of the party to be impleaded.

9.In the meantime, those of the defendants who have not filed their written statement are directed to file the same. They are reminded that the suit has just entered the 8th year of its institution and the parties are required to appreciate their responsibility to the institution.

10.The Registry is required to transfer O.S.No.9149 of 2019 pending before the 17th Additional City Civil Court to the file of this Court.



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Tsg/dk

11.Post the matter on 25.02.2022.

21.01.2022

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