HC-KAR

NC: 2026:KHC:55296
WP No. 28942 of 2026

CNR: KAHC010629592026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5TH DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE K. V. ARAVIND**

**WRIT PETITION NO. 28942 OF 2026 (GM-CPC)**

**BETWEEN:**

1. SRI. H.C. NAGARAJ
S/O LATE, H. CHANNABASAPPA,
AGED ABOUT 50 YEARS,
AGRICULTURIST,
R/AT SANTHEBENNURU VILLAGE,
CHANNAGIRI TALUK,
DAVANGERE DISTRICT,
PIN CODE - 577 552.

...PETITIONER

(BY SRI. P. MANJUNATHA, ADVOCATE)

**AND:**

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. SMT. H.C. SUDHA
W/O G.N. KUMAR
AGED ABOUT 57 YEARS,
R/AT 13TH CROSS,
SREEANJANEYA EXTENSION,
DAVANAGERE,
PIN CODE 577002.

2. SMT. H.C. SUNITHA
W/O SHIVASHANKARA,
AGED ABOUT 52 YEARS,
R/AT DOOR NO.1853/1349,
NRUPATUNGA EXTENSION,
TUMKUR DISTRICT,
PIN CODE 572101.

3. DR. H.C. BASAVARAJ
S/O CHANNABASAPPA,
AGED ABOUT 48 YEARS,
MEDICAL PRACTITIONER,
R/AT NO.1882/1, A BLOCK,
1ST CROSS, S.S. BHADAVANE,
DAVANGERE, PIN CODE 577002.

4. SMT. RATNAMMA H.C.,
W/O LATE H. CHANNABASAPPA,
AGED ABOUT 74 YEARS,
HOUSE HOLD WORK,
R/O SANTHEBENNUR VILLAGE,
CHENNAGIRI TALUK, DAVANAGERE DISTRICT,
PIN CODE 577552.

5. SMT. SHOBHA M.C.
W/O H.C. NAGARAJA,
AGED ABOUT 39 YEARS,
R/O SANTHEBENNUR VILLAGE,
CHANNAGIRI TALUK
DAVANAGERE DIST.

6. SRI. M.C. MALLIKARJUNA,
S/O CHIKKEERAPPA,
AGED ABOUT 41 YEARS,
R/O MALENAHALLI VILLAGE,
KANAKATTE HOBLI, ARASIKERE TALUK,
HASSAN DIST.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ANNEXURE-A ORDER DATED 18-08-2026 O.S.34/2019 ON MEMO PASSED BY THE SENIOR CIVIL JUDGE AND J.M.F.C, AT CHANNAGIRI BY ALLOWING THE APPLICATION I.A. NO. 23 UNDER SECTION 151 OF C.P.C. AND ETC,.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

**ORAL ORDER**

This petition impugns the order dated 18.08.2026, whereby the application filed by the petitioner seeking clubbing of O.S. No.34/2019 and Miscellaneous No.4/2023 came to be rejected.

2. Learned counsel appearing for the petitioner submits that O.S. No.34/2019 and O.S. No.60/2019 have been instituted between the same parties, seeking the same reliefs of partition and separate possession. It is submitted that both the suits can conveniently be tried and disposed of by recording common evidence, which would avoid conflicting findings and also save the time of the Court. It is further submitted that the Trial Court, without considering the aforesaid aspects, has rejected the application.

3. Considered the submissions made by learned counsel for the petitioner and perused the impugned order.

4. The application is filed seeking clubbing of O.S. No.34/2019 and Miscellaneous No.04/2023. O.S. No.60/2019, which was instituted between the parties, came to be dismissed for non-prosecution. Miscellaneous No.04/2023 has been filed seeking restoration of the said suit and is presently pending consideration. The prayer made in the impugned application is to club O.S. No.34/2019 with Miscellaneous No.04/2023.

5. The scope of Miscellaneous No.04/2023 is confined to consideration of the prayer for restoration of O.S. No.60/2019. Unless O.S. No.60/2019 is restored, the Trial Court cannot proceed to record common evidence in both the suits. Until such restoration, O.S. No.60/2019 cannot be treated as a pending suit. Clubbing can be considered only in respect of proceedings that are pending before the Court. Since O.S. No.60/2019 is not pending as on date, the prayer to club Miscellaneous No.04/2023 with the pending O.S. No.34/2019 is not maintainable.

6. In that view of the matter, this Court finds that the Trial Court was justified in rejecting the application. No ground is made out for interference with the impugned order.

Accordingly, the petition stands ***dismissed***.

**Sd/-**
**(K. V. ARAVIND)**
**JUDGE**

DDU
List No.: 1 Sl No.: 31