



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2023

BEFORE

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

CIVIL REVISION PETITION NO. 532 OF 2023

BETWEEN:

1. SRI. MUNIYAPPA
S/O LATE ERAPPA
AGED ABOUT 87 YEARS
R/AT NO 312, HOSAPALYA BEGUR HOBLI
BBMP WARD NO 190
BENGALURU SOUTH TALUK
BENGALURU 560102.
2. SRI M S SHANTHARAJU
S/O SRI V MUNIYAPPA
AGED ABOUT 48 YEARS
R/AT NO 315, HOSAPALYA BEGUR HOBLI
BBMP WARD NO 190
BENGALURU SOUTH TALUK
BENGALURU 560102.
3. SRI M RAMESH
S/O SRI V MUNIYAPPA
AGED ABOUT 44 YEARS
RA/T NO 316, HOSAPALYA BEGUR HOBLI
BBMP WARD NO 190
BENGALURU SOUTH TALUK
BENGALURU 560102.

Digitally signed
by
DHANALAKSHMI
MURTHY

Location: High
Court of
Karnataka

...PETITIONERS

(BY SRI. GOLLAL SHAMBHOLINGAPPA., ADVOCATE)

AND:

1. SRI. S. SAGAR
S/O SRI C GOVINDARAJU



AGED ABOUT 33 YEARS
R/AT NO 59/A, 2ND CROSS
DOMLUR LAYOUT, BENGALURU 560071.

2. SRI C GOVINDARAJU
S/O LATE CHINNAPPA REDDY
AGED ABOUT 73 YEARS
R/AT NO 59/A, 2ND CROSS
DOMLUR LAYOUT, BENGALURU 560071.

3. SMT UMA
W/O SRI C GOVINDARAJU
AGED ABOUT 63 YEARS
R/AT NO 59/A, 2ND CROSS
DOMLUR LAYOUT, BENGALURU 560071.

4. SRI G KISHORE
S/O SRI C GOVINDARAJU
AGED ABOUT 40 YEARS
R/AT NO 59/A, 2ND CROSS
DOMLUR LAYOUT, BENGALURU 560071.

...RESPONDENTS

(BY SRI. NATARAJA H T., ADVOCATE FOR R1 TO R3:
NOTICE TO R4 IS DISPENSED WITH
V/O DATED: 31.08.2023)

THIS CRP FILED UNDER SECTION 115 OF CPC, AGAINST
THE ORDER DATED:11.08.2023 PASSED IN MISC.NO.565/2023
ON THE FILE OF THE PRINCIPAL CITY CIVIL AND SESSIONS
JUDGE, BENGALURU, DISMISSING THE PETITION FILED UNDER
SECTION 24 OF CPC.

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



JUDGMENT

1. This petition is filed under Section 115 of CPC challenging the order dated 11.8.2023 passed by the Principal City Civil and Sessions Judge, Bengaluru in Misc.No.565/2023 filed under Section 24 of CPC for clubbing O.S.No.3142/2022 with O.S.No.2218/2023, whereby the said petition has been dismissed by the Trial Court.

2. Initially, the petitioners/plaintiffs had filed O.S.No.3142/2022 for declaration before the Addl. City Civil and Sessions Judge (CCH-16), Bangalore. Thereafter, plaintiffs had filed a comprehensive suit in O.S.No.2218/2023 before the Addl. City Civil and Sessions Judge (CCH-13) for declaration and injunction. The plaintiffs filed Misc.No.565/2023 before the Prl. City Civil and Sessions Judge, Bangalore praying to transfer the suit in O.S.No.3142/2022 to the court where the suit in O.S.No.2218/2023 is pending. The Trial Court by



impugned order has dismissed the said petition. Hence, the present appeal is filed.

3. The learned counsel for the petitioners/plaintiffs submitted that since the plaintiffs intend to prosecute the matter in O.S.No.2218/2023, they want to withdraw the suit in O.S.No.3142/2022. To that effect, a memo dated 31.8.2023 is filed by the learned counsel for the petitioners before this Court.

4. The said memo dated 31.8.2023 filed by the learned counsel for the petitioners is placed on record.

5. Accordingly, I pass the following order:

ORDER

- a) The petition is disposed of.
- b) The petitioners/plaintiffs are permitted to withdraw O.S.No.3142/2022 pending on the file of Addl. City Civil and Sessions Judge (CCH-16), Bangalore and pursue the suit in O.S.No.2218/2023



on the file of Addl. City Civil and Sessions Judge (CCH-13), Bangalore.

c) An application under Order 39 Rules 1 and 2 of CPC is filed in O.S.No.2218/2023 and the same is pending. Till the said application is disposed of by the Trial Court, the parties are directed to maintain status-quo.

d) The Trial Court without being influenced by the order passed by this Court in MFA No.5292/2022 disposed of on 5.1.2023, shall dispose of the application filed under Order 39 Rules 1 and 2 of CPC, in accordance with law.

**Sd/-
JUDGE**