HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 104092 OF 2026 (GM-CPC)

BETWEEN:

GONEPPA S/O. HANUMAPPA VENKATAPUR
AGE: 41 YEARS, OCC: AGRICULTURE,
R/O. SUGNALLI VILLAGE, TQ: SHIRAHATTI,
DIST: GADAG.

... PETITIONER

(BY SRI VIDYASHANKAR G. DALWAI, ADVOCATE)

AND:

1. VISHALAKSHI W/O. GONEPPA VENKATAPUR
   AGE: 31 YEARS, OCC: COOLI,
   R/O. SHRINHALLI VILLAGE,
   TQ: LAXMESHWAR, DIST: GADAG.

2. NINGAVVA W/O. HANUMAPPA VENKATAPUR
   AGE: YEARS, OCC: AGRICULTURE,
   R/O. SUGNALLI VILLAGE,
   TQ: SHIRAHATTI, DIST: GADAG.

3. PARAVVA W/O. NAGARAJ CHILAWADAGI
   AGE: 48 YEARS, OCC: HOUSEHOLD
   AND AGRICULTURE, R/O. JANATHA PLOT,
   PAPANASHI VILLAGE, TQ. & DIST: GADAG.

... RESPONDENTS

MOHANKUMAR B SHELAR
Digitally signed by MOHANKUMAR B SHELAR
Location: High Court of Karnataka, Dharwad Bench
Date: 2026.07.01 13:05:03 +0530

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI AND QUASH THE ORDER DATED 06.03.2026 PASSED ON 1.A.NO.16 BY THE COURT OF CIVIL JUDGE AND JMFC, LAXMESHWAR SITTING AT SHIRAHATTI IN O.S.NO.95/2019 VIDE ANNEXURE-F AND ALLOW THE 1.A.NO. 16 FILED BY THE DEFENDANT NO.1 UNDER SECTION 151 OF CPC, VIDE ANNEXURE-D.

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

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

This petition is filed by defendant No.1/husband assailing the order passed by the learned Judge on I.A.No.16 which is rejected by the learned Judge.

2. Heard the learned counsel for the petitioner and perused the order impugned.

3. The present petitioner filed I.A. No.16 seeking dismissal of the suit on the ground that it was not maintainable in view of the pendency of O.S. No.74/2024, instituted by him seeking a declaration that respondent No.1 is not his legally wedded wife. While considering the said application, the learned Trial Judge noticed that, in the present suit, respondent No.1 has sought a declaration that she is entitled to half share in the suit schedule property and has also sought cancellation of the relinquishment deed. The learned Judge further noticed that the relief sought in O.S. No.74/2024 pertains exclusively to the marital status of the parties. Having found that the reliefs claimed in the two suits are distinct and arise out of

different causes of action, the learned Trial Judge rejected I.A. No.16.

4. On examining the impugned order and the material placed on record, this Court finds that the petitioner has instituted O.S. No.74/2024 seeking a negative declaration that respondent No.1 is not his legally wedded wife. By filing I.A. No.16, the petitioner seeks dismissal of the present suit solely on the ground that the earlier suit instituted by him is pending consideration. The Code of Civil Procedure, 1908 does not contemplate dismissal of a suit merely because another suit between the parties is pending. The pendency of an earlier suit, by itself, cannot furnish a legal basis for rejection or dismissal of a subsequently instituted suit, particularly when the reliefs sought therein are distinct.

5. In the present suit, respondent No.1 seeks a declaration that she is entitled to half share in the suit schedule property and also seeks cancellation of the relinquishment deed. On the other hand, O.S. No.74/2024 filed by the petitioner is confined to adjudication of the marital status of the parties, wherein he seeks a declaration that respondent No.1 is

not his legally wedded wife. Though the issue relating to marital status may have some bearing on the rights asserted by the parties, the nature of the reliefs claimed in the two suits is altogether different. In that view of the matter, this Court is of the considered opinion that the learned Trial Judge has rightly rejected I.A. No.16, and the impugned order does not suffer from any jurisdictional error or perversity warranting interference under Article 227 of the Constitution of India.

6. Accordingly, the writ petition, being devoid of merits, stands ***dismissed***.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

MBS
CT:GSM
List No.: 1 Sl No.: 25