

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated: 11th day of June 2002

Before

HON'BLE Mr. JUSTICE V.GOPALA GOWDA

CIVIL REVISION PETITION No.1895/2000

Between:

P S THAMANKAR  
S/O CHANDRASHEKARA BHAT  
R/O PHANDIJE VALLYA  
NITTADE VILLAGE  
TQ BELTHANGADY  
NITTADE P.O.  
DIST D.K. . . . . PETITIONER

(BY SRI K.M.NATARAJ-ADV)

And:

CYRIL MENEZES  
S/O BASTIAM MEMEZES  
R/O PADE HOUSE  
ANDINJE VILLAGE  
TQ BELTHANGADY  
ANDINJE P.O.  
DIST D.K. . . . . RESPONDENT

(BY SRI M.SUDHAKAR PAI-ADV)

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C.R.P is filed under Section 115 C.P.C against order dated 18-3-2000 passed by the Civil Judge (Jr.Dn), Belthangady, on I.A.V in O.S.No.73/90.

This C.R.P coming on for hearing before the Court this day, the Court passed the following:-



ORDER

This revision petition is filed by the plaintiff in O.S.No.73/90 on the file of Civil Judge (Jr.Dn), Belthangady, against the order dated 18-3-2000 allowing I.A.V filed by the defendant under Section 133 of the Karnataka Land Reforms Act and staying the further proceedings in the suit until disposal of the application in Form VII filed by the defendant.

2. Learned counsel for the petitioner placed reliance upon the decisions reported in I.L.R 2002 Karnataka 851 and I.L.R 2000 Karnataka 1019 for the proposition that the provisions of Section 133 of the Act have no application to the proceedings pending under Section 77-A of the Act before the Deputy Commissioner and seeks for setting aside the impugne dorder.

3. I have examined the impugned order in the light of the aforesaid decisions. The trial Court has categorically found the proceedings relating to Form.7A<sup>u</sup> are pending



before the Deputy Commissioner. The suit of the plaintiff was in respect of 'A' schedule property for declaration and possession. Form.7A<sup>v</sup> is pending in respect of the same property. Until the same is disposed of, it is not proper to proceed with the trial of the suit. In case the reliefs sought for by the plaintiff are granted, the right of the defendant that may accrue on the basis of Form.7A<sup>v</sup> would be defeated. Two parallel proceedings cannot be conducted simultaneously in respect of the same property in which right is claimed both by the plaintiff and the defendant in different forums. Ultimately if the claim of the defendant for occupancy rights <sup>grant of the land &</sup> is rejected, the trial of the suit can be proceed with. Hence, the trial Court has rightly stayed the further proceedings of the suit.

4. The ratio of the decisions relied upon by the learned counsel for the petitioner have no application to the instant case. The order under revision being perfect, no scope for interference.

*mm*

5. The revision petition is hereby dismissed.

MP

Sd/-  
Judge

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