

**SUPREME COURT OF INDIA**

Nagappa

Vs.

Dodda Bharamappa

C.A.No.1954 of 2000

(S. B. Majmudar and Ruma Pal, JJ.)

06.03.2000

**ORDER**

1. Leave granted.

2. We have heard learned counsel for the parties finally in this appeal.

3. In our view, in the suit between the landlord and tenant there was no occasion for the respondents to be joined as party respondent. Learned counsel for respondents stated that respondents have already filed a suit in the Court of Civil Judge, Senior Division, Davangare against the appellant for permanent injunction. According to him, the suit filed by the appellant against the so-called tenant on the basis of the rent note is a collusive one. Be that as it may, in a suit between the appellant and his alleged tenant, the respondents cannot be said to be necessary or proper parties. However, as their suit on title and injunction is pending in the Court of Civil Judge, Senior Division, Davangare and the rent suit filed by the appellant against his alleged tenant on the basis of rent note dated 4-11-1997 is pending in the Court of Civil Judge (Junior Division) and J.M.F.C., Harihar, while allowing this appeal and setting aside the impugned order passed by the High Court and also by the learned

trial Court on I.A. No. 3, interest of justice will be served if the Civil Suit No. O.S. 23 of 1999 pending in the Court of Civil Judge (Junior Division) and J.M.F.C., Harihar be transferred to the Court of Civil Judge, Senior Division, Davangare and be analogously tried along with respondents' Suit No. O.S. 8/1998. Ordered accordingly. There will be no order as to costs.

Order accordingly.