



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 270 OF 2021 (GM-CPC)

BETWEEN:

SHANTHAMMA
W/O. SHANTHARAJU
D/O. SIDDALINGAIAH
AGED ABOUT 42 YEARS
R/AT KERE ANGALA, HANUMANTHANAGARA
SINGONAHALLI POST, KASABA HOBLI
GUBBI TALUK, TUMAKURU DISTRICT-572 216.

...PETITIONER

(BY SRI. P.M. GOPI, ADVOCATE FOR
SRI. P.M. SIDDAMALLAPPA, ADVOCATE)

AND:

1. SIDDAPPA
S/O. LATE THIMMAIAH
AGED ABOUT 60 YEARS
2. SIDDALINGAIAH
S/O. LATE THIMMAIAH
AGED ABOUT 50 YEARS
BOTH ARE R/OF AHOBALA AGRAHARA
KORA HOBLI, TUMKUR TALUK-572 128.
3. SRI. REVANNA
S/O. CHIKKASIDDAIAH
DEAD BY LRS.,
- 3(A) SMT. NARASAMMA
AGED ABOUT 65 YEARS
W/O. PUTTACHANDAIAH



R/AT SHETTIGAHALLI
KASABA HOBLI, KUNIGAL TALUK-577 101.

3(B) SMT. SANNA
W/O. THIMMARAYAPPA
AGED ABOUT 63 YEARS
R/ AT AGRAHARA, KORA HOBLI
TUMAKURU TALUK.

3(C) RAMAKKA
W/O. VENKATACHALAPPA
AGED ABOUT 61 YEARS
R/AT AGRAHARA, KORA HOBLI
TUMAKURU TALUK-572 128.

3(D) LAKSHMAMMA
W/O. THAMMAIAH
AGED ABOUT 59 YEARS
R/AT DURGADAHALLI
URDIGERE HOBLI
TUMAKURU TALUK-572 101.

3(E) SAKAMMA
W/O. BHEEMAIAH
AGED ABOUT 57 YEARS
R/AT DURGADAHALLI
URDIGERE HOBLI
TUMAKURU TALUK-572 101.

4. KUMARA
S/O. SIDDALINGAPPA
AGED ABOUT 47 YEARS
R/AT HANUMANTHAPURA BYPASS
TUMKURU KASABA
TUMKUR-572 101.



5. UMESHA
S/O. SIDDALINGAPPA
AGED ABOUT 45 YEARS
6. RAMESHA
S/O. SIDDALINGAPPA
AGED ABOUT 42 YEARS
7. KADAI AH
S/O. CHIKKASIDDAIAH
AGED ABOUT 70 YEARS

ALL ARE R/AT HANUMANTHAPURA BYPASS
TUMKURU KASABA, TUMKUR-572 101.

...RESPONDENTS

(BY SRI V B SIDDARAMAIAH, ADVOCATE FOR R1 & R2
SRI. PATEL D KARE GOWDA.,
ADVOCATE FOR R3(A TO E:
SRI B S SUDHINDRA, ADVOCATE FOR R4 TO R6:
NOTICE TO R7 IS DISPENSED WITH
V/O DATED: 05.09.2023)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227
OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE OF
A WRIT OF CERTIORARI QUASHING THE ORDERS
DATED:2.6.2020 ON INTERLOCUTORY APPLICATION FILED
BY THE PETITIONER UNDER ORDER 1 RULE 10 CPC IN FDP
NO.05/2010 ON THE FILE OF ADDITIONAL SENIOR CIVIL
JUDGE TUMAKURU AS PER ANNEXURE-A AND ETC.



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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

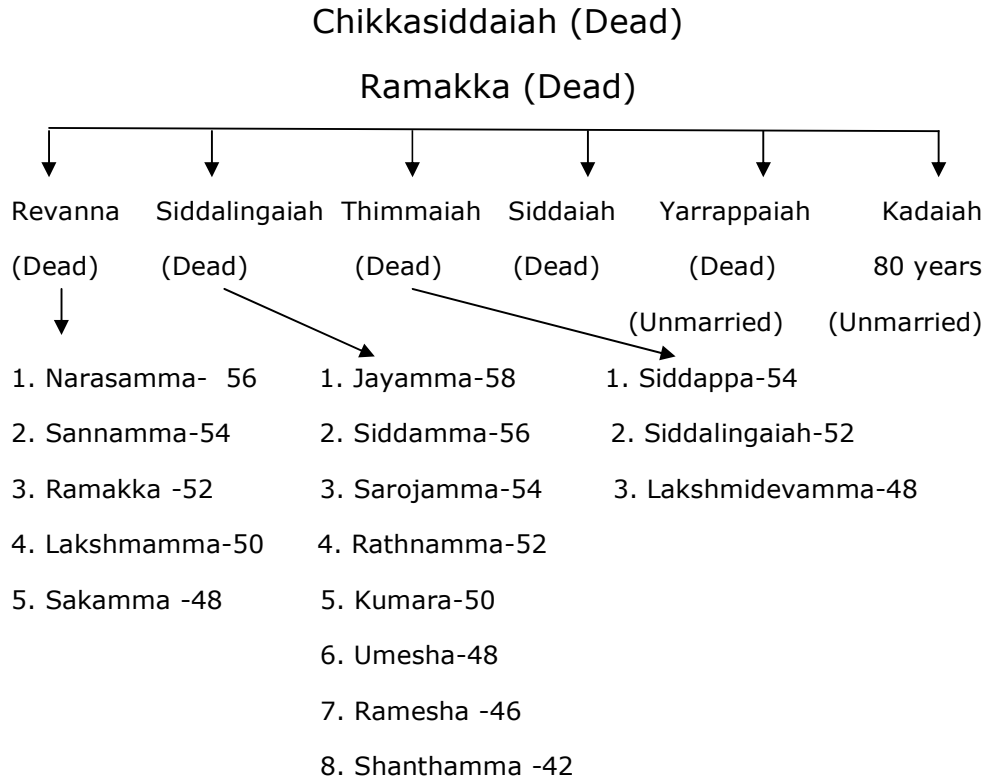
1. In this writ petition, the petitioner has called in question the order dated 02.06.2020 passed by the Additional Senior Civil Judge, Tumakuru, on application filed by the petitioner under Order I Rule 10 of CPC in FDP No.5/2010, whereby the said application has been dismissed.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiffs-respondent Nos.1 and 2 herein had filed suit O.S.No.152/2006 for partition and separate possession. For convenience, the genealogical tree of the parties is extracted below:



G. Tree



4. The suit came to be decreed vide judgment and decree dated 30.01.2010 declaring that the plaintiffs together are entitled for one-fourth share in the suit schedule properties.

5. It is the case of the petitioner that petitioner's father, namely, Siddalingaiah, is dead and the children of the deceased ought to have been made as parties to the suit



since they are the joint family members. In the suit, only the sons of deceased Siddalingaiah have been made as parties. Therefore, petitioner has filed an application under Order I Rule 10 for impleading her as party in FDP No.5/2010. The Trial Court, by impugned order has dismissed the application. Aggrieved by the same, the present petition is filed.

6. The Trial Court has misconstrued that the petitioner is claiming under deceased Thimmaiah. But the petitioner is claiming under the deceased Siddalingaiah. Therefore, the impugned order passed by the Trial Court is without application of mind. Hence, the same requires to be set aside and matter is required to be remitted back to the Trial Court for reconsideration of the application.

7. Accordingly, the following order is passed:

ORDER

a) The writ petition is allowed.



- b) The impugned order dated 02.06.2020 passed by the Additional Senior Civil Judge, Tumakuru, on application filed by the petitioner under Order I Rule 10 of CPC in FDP No.5/2010, is set aside.
- c) The matter is remitted back to the Trial Court for re-consideration of the application filed by the petitioner under Order I Rule 10 of CPC.
- d) The Trial Court is directed to dispose of the said application in accordance with law and as expeditiously as possible, not later than three months from the date of receipt of certified copy of this order.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

DM
LIST NO.: 1 SL NO.: 0