



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 5556 OF 2025 (GM-CPC)

BETWEEN:

M/S BHAVANI ENTERPRISES
A REGISTERED FIRM REGISTERED
UNDER THE PROVISIONS OF THE
INDIAN PARTNERSHIP ACT, 1932
HAVING ITS OFFICE AT NO.372
NILAY MAIN ROAD, R.T NAGAR
BANGALORE-560 032
REPRESENTED BY ITS PARTNER
PRASHANT

...PETITIONER

(BY SMT. POONAM S. PATIL, ADVOCATE)

AND:

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA

VAJRAPPA
SINCE DEAD BY HIS LR's
GANGAMMA
SINCE DEAD BY HER LR's

1. HANUMAKKA
W/O NINGAMUNIYAPPA
AGED ABOUT 48 YEARS
R/AT THALAGATTAPURA VILLAGE
BANGALORE SOUTH TALUK-560 109
2. SMT. MUNIGANGAMMA
W/O ANJANAPPA
AGED ABOUT 54 YEARS
R/AT MYSORE ROAD, KENGERI HOBLI



JADENAHALLI
BANGALORE SOUTH TALUK-560 109

3. SMT. KOMALA
W/O CHANDRAPPA
AGED ABOUT 33 YEARS
R/AT THALAGHATTAPURA VILLAGE
BANGALORE SOUTH TALUK-560 109
4. SRI. KUMAR
S/O LATE VAJRAPPA
AGED ABOUT 34 YEARS
R/AT THALAGHATTAPURA VILLAGE
BANGALORE SOUTH TALUK-560 109
5. SRI. SRINIVASA
S/O VAJRAPPA
AGED ABOUT 30 YEARS
R/AT THALAGHATTAPURA VILLAGE
BANGALORE SOUTH TALUK-560 109
6. SRI. PRAKASH
S/O. VAJRAPPA
AGED ABOUT 29 YEARS
R/AT THALAGHATTAPURA VILLAGE
BANGALORE SOUTH TALUK-560 109
7. SMT. MUNIYAMMA
W/O. KARIYAPPA
AGED ABOUT 55 YEARS
8. SRI. RAMALINGA
S/O KARIYAPPA
AGED ABOUT 34 YEARS
9. SRI. LAKSHMANA
S/O KARIYAPPA
AGED ABOUT 32 YEARS



10. SRI. VAJRAPPA
S/O KARIYAPPA
AGED ABOUT 25 YEARS
11. SRI. HANUMANTHARAYA
S/O KARIYAPPA
AGED ABOUT 18 YEARS
12. SRI. SIDDAPPA
S/O LINGAPPA
AGED ABOUT 57 YEARS

SRI. CHIKKAVAJRAPPA
S/O LINGAPPA
SINCE DEAD BY LR's
13. ANITHA
D/O LATE CHIKKAVAJRAPPA
AGED ABOUT 48 YEARS
14. HANUMANTHARAYA
S/O LATE CHIKKAVAJRAPPA
AGED ABOUT 47 YEARS
15. MAYANNA
S/O LATE CHIKKAVAJRAPPA
AGED ABOUT 46 YEARS
16. SHIVAKUMAR
S/O LATE CHIKKAVAJRAPPA
AGED ABOUT 48 YEARS
17. SMT. RADHA
D/O LATE CHIKKAVAJRAPPA
AGED ABOUT 48 YEARS

RESPONDENTS NO.7 TO 17 ARE
RESIDING AT
THALAGHATTAPURA VILLAGE
BANGALORE SOUTH TALUK



BANGALORE-560 068

SMT. LAKSHMAMMA
W/O. BYLAPPA
AGED ABOUT 40 YEARS
SINCE DEAD BY HER LR's

18. SMT. KEMPAMMA
D/O. BYLAPPA
W/O. NAGARAJ
MAJOR
THALAGHATTAPURA VILLAGE
KANAKAPURA MAIN ROAD
BANGALORE-560 068
19. SMT. RENUKAMMA
D/O. BYLAPPA
W/O. GOVINDAPPA
MAJOR
AGARA, THALAGHATTAPURA POST
KENGARI HOBLI
BANGALORE SOUTH TALUK
BANGALORE-560 068
20. SMT. GIRIJAMMA
D/O BYLAPPA
W/O GOVINDAPPA
MAJOR
SOMANAHALLI POST
KANAKAPURA ROAD
BANGALORE-560 068
21. SMT. SAVITHRAMMA
D/O BYLAPPA
W/O CHANDRASHEKAR
MAJOR
THALAGHATTAPUPA POST
KANAKAPURA MAIN ROAD
BANGALORE-560 062



22. SRI. DEVARAJ
S/O BYLAPPA
AGED ABOUT 35 YEARS
THALAGHATTAPURA VILLAGE
BANGALORE SOUTH TALUK
BANGALORE-560 068
23. SRI. SIDDAPPA
S/O BYLAPPA
AGED ABOUT 18 YEARS
THALAGHATTAPURA VILLAGE
BANGALORE SOUTH TALUK
BANGALORE 560 068
- HANUMANTHAPPA
S/O MADIAH
SINCE DEAD BY HIS LR's
24. SMT. KATHYANAMMA
W/O LATE HANUMANTHAPPA
AGED ABOUT 65 YEARS
25. SMT. LATHA
D/O LATE HANUMANTHAPPA
AGED ABOUT 42 YEARS
- SRI. GIRISHA
S/O LATE HANUMANTHAPPA
SINCE DEAD BY HIS LR's
26. SMT. POORNIMA R
W/O LATE GIRISHA
AGED ABOUT 44 YEARS
R/AT NO.2, BHAIKAVA NILAYA
1ST MAIN, 2ND CROSS
AVALAHALLI, MYSORE ROAD
BENGALURU-560 026
27. SRI. MAHESHA
S/O LATE HANUMANTHAPPA



AGED ABOUT 36 YEARS

28. SRI. SATHISHA
S/O LATE HANUMANTHAPPA
AGED ABOUT 36 YEARS

29. SMT. KALPANA
D/O LATE HANUMANTHAPPA
AGED ABOUT 34 YEARS

RESPONDENT NOS.26 TO 29 ARE
RESIDING AT KUMAR BAR
HEMENS DABHA, JUDICIAL LAYOUT
KANAKAPURA ROAD
BANGALORE-560 069

30. SMT. SARASWATHAMMA
W/O SIDDAPPA
AGED ABOUT 45 YEARS
THALAGHATTAPURA VILLAGE
BANGALORE SOUTH TALUK
BANGALORE-560 068

31. SRI T. NIRAJAKSHALU
S/O T. DORESWAMY NAIDU
MAJOR
R/AT NO.45, 2ND MAIN
3RD CROSS, SRINIVASA NAGAR
BSK 1ST STAGE, 2ND BLOCK
BANGALORE-560 050

32. HARI
KHODAY BREWERY LTD.,
KANAKAPURA MAIN ROAD
BANGALORE-560 062

33. PURVANKARA PROJECTS LTD
A COMPANY REGISTERED UNDER THE
PROVISIONS OF INDIAN COMPANIES
ACT, 1956, NO.130/1, ULSOOR ROAD



BANGALORE -560 042
REPRESENTED BY
DEPUTY MANAGING DIRECTOR

34. SMT. ANITHA
D/O LATE KARIYAPPA
W/O LOKANATH
AGED ABOUT 45 YEARS
R/AT NO.141, 2ND CROSS
J.C. NAGAR, BASAVESHWARANAGARA
BANGALORE-560 079

35. SMT. SHARADHAMMA
D/O.LATE VAJRAPPA
W/O SRI HANUMANTHRAYAPPA
AGED ABOUT 65 YEARS
R/AT NO.136, BARADI
NELAMANGALA TALUK
BANGALORE RURAL DISTRICT-562 123

...RESPONDENTS

(VIDE ORDER DTD.28.02.2025 NOTICE TO R1-R10 &
R12-R35 ARE DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 19.12.2024 PASSED BY THE COURT OF I ADDITIONAL SENIOR CIVIL JUDGE, BANGLORE RURAL DISTRICT AT BANGALORE IN OS NO. 192/1998, ON IA NO. 41 FILED BY THE PETITIONER HEREIN UNDER ORDER VI RULE 17 READ WITH SECTION 151 AND 153 OF THE CODE OF CIVIL PROCEDURE 1908 VIDE ANNEXURE -A AND CONSEQUENTLY ALLOW IA NO. 41 FILED BY THE PETITIONER VIDE ANNEXURE -Q 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

This writ petition is filed by defendant No.17 under Articles 226 and 227 of the Constitution of India, challenging the order dated 19.12.2024 passed by the I Additional Senior Civil Judge, Bengaluru Rural District, Bengaluru, in O.S. No.192/1998, whereby I.A. No.41 filed by the petitioner under Order VI Rule 17 read with Sections 151 and 153 of the Code of Civil Procedure was rejected.

2. The plaintiffs have filed the suit in O.S. No.192/1998 for partition and separate possession. Defendant Nos.15 and 17 filed applications under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure. Both applications were clubbed together, and a common order was passed. However, throughout the impugned order, consideration has been given only to the application filed by defendant No.15. In the body of the order, it is mentioned that objections were filed by the plaintiffs. Therefore, the impugned order passed by the trial Court on the application filed by defendant No.17 is without application of mind. Accordingly, I.A. No.41 filed by defendant No.17 deserves to be allowed.



3. Accordingly, the following order is passed:

(i) The writ petition is allowed insofar as the petitioner is concerned.

(ii) The order dated 19.12.2024 passed on I.A. No.41 in O.S. No.192/1998 is set aside.

(iii) The matter is remitted back to the trial Court to reconsider I.A. No.41 filed by defendant No.17, in accordance with law, as expeditiously as possible, and in any event not later than the end of April 2026.

(iv) Liberty is reserved to the parties to seek early disposal of the matter.

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

CM
List No.: 1 Sl No.: 53