



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.6745 OF 2026 (GM-CPC)

BETWEEN:

SRI A M BASAVARAJU
S/O LATE MADEGOWDA
AGED ABOUT 62 YEARS
AJJAHALLI VILLAGE
KASABA HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571 428.

...PETITIONER

(BY SRI. BASAVARAJU P, ADVOCATE)

AND:

1. SRI JAYARAMU
S/O LATE MADEGOWDA
AGED ABOUT 74 YEARS
2. SRI.A.M.VISHAKANTA
S/O LATE MADEGOWDA
AGED ABOUT 69 YEARS
3. SMT. SULOCHANA
W/O CHANNANKEGOWDA
AGED ABOUT 64 YEARS

SL NOS.1 TO 3 ARE
R/O AJJAHALLI VILLAGE
KASABA HOBLI, MADDUR TALUK
MANDYA DISTRICT- 571 428.
4. SRI.A.M.SHIVAMADHU
S/O LATE MADEGOWDA
AGED ABOUT 70 YEARS
5. SMT. PRABHAVATHI
W/O A.M.SHIVAMADHU
AGED ABOUT 62 YEARS





SL NOS.4 & 5 ARE
R/O 4TH MAIN, 2ND CROSS,
NEAR ST. ABBE'S CONVENT,
K.H.NAGAR,
MADDUR TOWN,
MANDYA DISTRICT-571 428.

6. SRI. MUDDE GOWDA
S/O CHANNEGOWDA
AGED ABOUT 74 YEARS
R/O KUDARAGUNDI VILLAGE,
KASABA HOBLI,
MADDUR TALUK,
MANDYA DISTRICT- 571 428.
7. SMT.K.M.ASWINI
W/O NAGARAJ
AGED ABOUT 54 YEARS
R/O 11TH CROSS,
LEELAVATHI EXTENSION
MADDUR TOWN,
MANDYA DISTRICT-571 428.
8. SRI.SHIVAPRASAD MADA
S/O S.YADUNATH MADA
AGED ABOUT 58 YEARS
R/AT DOOR NO.1543/B,
MATHASRI, 12TH CROSS,
ANIKETHANA ROAD,
C AND D BLOCK,
KUVEMPUNAGAR
CHAMARAJAMOHALA,
MYSURU- 570 023.
9. SRI.AJITHKINI
S/O LATE VASUDEVA KINI
AGED ABOUT 56 YEARS
PROPRIETOR OF AJITH ENTERPRISES
NO.273, D AND E
HEBBAL INDUSTRIAL AREA
MYSURU- 570 016.
10. SRI. ERAJU
S/O EREGOWDA,
AGED ABOUT 50 YEARS
R/O CHANNASANDRA VILLAGE
KASABA HOBLI,



MADDUR TALUK
MANDYA DISTRICT-581 428.

...RESPONDENTS

(BY SRI. ARAVIND M. NEGLUR, ADV. FOR C/R-4 & R-5)

THIS W.P IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS IN O.S.NO.35/2012 PENDING ON THE FILE OF I ADDL. SENIOR CIVIL JUDGE AND JMFC AT MADDUR AND TO ISSUE WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION AND QUASH THE IMPUGNED ORDER ON I.A.NO.27 DATED 08/01/2026 IN O.S.NO.35/2012 PASSED BY THE LEARNED I ADDL. SENIOR CIVIL JUDGE AND JMFC AT MADDUR, VIDE ANNEXURE-A AND ALLOW THE APPLICATION / I.A.NO.27 FILED UNDER ORDER XXII RULE 10 R/W SEC.151 OF CODE OF CIVIL PROCEDURE, AS PRAYED FOR VIDE ANNEXURE-B AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the plaintiff in O.S.No.35/2012 on the file of the I Addl. Senior Civil Judge & JMFC, Maddur, is directed against the impugned order dated 08.01.2026 passed on I.A.No.27 whereby the said application filed by the petitioner under Order XXII Rule 10 CPC to come on record as a legal representative of the deceased defendant No.1 – Ankamma was rejected by the Trial Court.



2. Heard learned counsel for the petitioner and learned counsel for caveator – respondent Nos.4 and 5 and perused the material on record.

3. A perusal of the material on record will indicate that the petitioner is the son of Smt. Ankamma – defendant No.1 against whom and her remaining family members i.e. defendant Nos.2 to 7 – respondent Nos.1 to 6, the petitioner filed the aforesaid suit for partition and separate possession of his alleged share in the suit schedule immovable properties and for other reliefs. During pendency of the said suit, the petitioner filed the instant application seeking to come on record as the sole legal representative of deceased-defendant No.1 on the basis of an alleged Will dated 24.07.2015 said to have been executed by deceased-defendant No.1-Ankamma in his favour. The said application filed by the petitioner under Order XXII Rule 10 CPC having been opposed by defendant Nos.5 and 6, who not only disputed the Will but also the alleged claim of the plaintiff came to be rejected by the Trial Court by passing the impugned order, which is assailed in the present petition.



4. Though several contentions have been urged by both sides in support of their respective claims as regards the alleged right, title, interest, possession, share, etc., of the deceased – defendant No.1, her competency to execute the alleged Will in favour of the petitioner as well as the legality, validity, authenticity and genuineness of the alleged Will said to have been executed by Smt. Ankamma in favour of the petitioner, suffice it to state that all these questions / issues based on the rival contentions of the parties would necessarily have to be decided by the Trial Court only after a full-fledged trial and not while considering the instant application filed under Order XXII Rule 10 CPC.

5. Under these circumstances, without expressing any opinion on the merits / demerits of the rival contentions, I deem it just and appropriate to set aside the impugned order and dispose of I.A.No.27 by treating the petitioner as well as respondent Nos.1 to 5 as the legal representatives of the deceased defendant No.1 and leaving open all contentions including the entitlement, competency of the Will to be decided by the Trial Court, in accordance with law after a full-fledged trial.



6. In the result, I pass the following:

ORDER

- (i) The petition is hereby ***allowed***.
- (ii) The impugned order dated 08.01.2026 passed on I.A.No.27 in O.S.No.35/2012 by the I Addl. Senior Civil Judge & JMFC, Maddur, is hereby set aside.
- (iii) I.A.No.27 is disposed of by directing that all rival contentions on all aspects of the matter including legality, validity, authenticity and genuineness of the alleged Will said to have been executed by Smt. Ankamma in favour of the petitioner shall be decided by the Trial Court at the time of final disposal of the suit.
- (iv) All rival contentions on all aspects of the matter are kept/left open and no opinion is expressed on merits/demerits of the rival contentions.
- (v) The Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**