



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 9192 OF 2026 (GM-CPC)

BETWEEN:

1. PUTTABUDDHI,
AGED ABOUT 73 YEARS
S/O LATE. NANJAPPA @ PUTTANNA
R/AT DOOR NO.52,
GURURU VILLAGE,
KASABA HOBLI
MYSURU TALUK,
MYSURU DISTRICT - 570 008.
2. MAHADEVASWAMY,
AGED ABOUT 48 YEARS,
S/O SRI. PUTTABUDDHI
R/AT DOOR NO.52,
GURURU VILLAGE,
KASABA HOBLI,
MYSURU TALUK
MYSURU DISTRICT - 570 008.
3. SRI. NANJUNDASWAMY,
AGED ABOUT 45 YEARS,
S/O. SRI. PUTTABUDDHI
R/AT DOOR NO.119,
GURURU VILLAGE,
KASABA HOBLI,
MYSURU TALUK
MYSURU DISTRICT -570 008.

...PETITIONERS

(BY SRI. AMBAJI RAO NAJRE, ADVOCATE)





AND:

1. J.M. SHIVANANJAPPA
AGED ABOUT 76 YEARS,
R/AT CHAMALAPURA STREET,
S/O LATE.C.MALLANNA
NANJANGUDU TOWN
MYSURU DISTRICT - 571 301.
2. N.S.BRAMARAMBA,
AGED ABOUT 48 YEARS
D/O. SRI.J.M.SHIVANANJAPPA
R/AT CHAMALAPURA STREET
NANJANGUDU TOWN
MYSURU DISTRICT - 571 301.
3. M.NAGARAJU,
AGED ABOUT 74 YEARS
S/O.LATE.MADASHETTY
R/AT DOOR NO.4610
NEELAKANTA NAGARA
NANJANAGUDU TOWN
MYSURU DISTRICT - 571 301.
4. O. K. VENKATESH,
AGED ABOUT 46 YEARS,
S/O. LATE. O. R. KRISHNA SHETTY
R/AT D. NO: 114/B-11
SRI RAMA NILAYA,
KAYL ANGADI BEEDHI,
NANJANAGUDU,
NANJANAGUDU TOWN
MYSURU DISTRICT - 571 301.
5. ANANTHAKUMAR,
AGED ABOUT 56 YEARS,



S/O. LATE. VISHWATHANATHASHETTY
R/AT 34/A,
SHANTHI MARGA/VINAYA MARGA,
SIDDARTHANAAGARA,
NAZARBAD MOHALLA,
MYSURU - 570 001.

6. G. T. SRIRAM,
AGED ABOUT 55 YEAS,
S/O. THAMMALAH @ KULLAHANUMAIAH
R/AT GORAVALE,
DUDDA HOBLI,
MANDYA TALUK,
MANDYA DISTRICT - 571 405.
7. S. A. KUMAR,
AGED ABOUT 70 YEARS,
S/O. APPAJACHAR
R/AT #E 265, UPSTAIRS,
1ST STAGE,
KUVEMPUNAGAR
CHAMARAJA MOHALLA,
MYSURU - 570 001.
8. SHAILAJA,
AGED ABOUT 55 YEARS
W/O. N. SHIVAKUMAR,
R/AT #2,
PARVATHI NILAYA,
2ND MAIN,
VIDYARANYAPURAM
MYSURU - 570 001.
9. K.A. RAJASHEKAR,
AGED ABOUT 60 YEARS
S/O. KA ANNAYYACHAR



R/AT 319, 10TH CROSS,
SRIRAMPURA LAYOUT,
2ND STAGE,
CHAMARAJA MOHALLA
MYSURU - 570 001.

10. THULASAMMA,
AGED ABOUT 55 YEARS,
W/O. MC SHIVARAJ,
R/AT 76,
3 CROSS, 1 MAIN,
MARAMMANAGUDI BEEDHI,
MANANDAVADI ROAD,
MAHADEVAPURA,
MYSURU - 570 001.
11. MARISWAMY,
AGED ABOUT 55 YEARS,
S/O. SHIVANNA,
#8, 1 CROSS,
R/AT 1ST MAIN,
MARAMMANAGUDI BEEDHI,
NACHANAHALLI POST,
MAHADEVAPURA,
MYSURU - 570 001.
12. K.PUTTASWAMY,
AGED ABOUT 55 YEARS,
S/O. KALAI AH, R/AT 77,
MAHADEVAPURA,
NACHANAHALLI POST,
MAHADEVAPURA,
MYSURU - 570 001.
13. H. G. NAGARAJU,
AGED ABOUT 60 YEARS,



S/O. GUNDEGOWDA,
R/AT 70, 3RD CROSS,
1ST MAIN, NEAR MARAMMANAGUDI,
MANANDAVADI ROAD,
MYSURU - 570 001.

14. O.R. KRISHNA SHETTY,
AGED ABOUT 55 YEARS,
S/O. LATE. O.V. RAMASHANADRASHETTY.
R/AT NO. 1144/B11,
SRI RAMA NILAYA,
KAYANGADI BEEDI,
NANJANGUD TOWN,
MYSURU DISTRICT - 570 001.

15. O.R. VENKATESH,
AGED ABOUT 55 YEARS,
S/O. O.R. KRISHNASHETTY.
R/AT NO. 1144/B11,
SRI RAMA NILAYA,
KAYANGADI BEEDI,
NANJANGUD TOWN,
MYSURU DISTRICT - 570 001.

16. T.S. SOMASHEKHAR,
AGED ABOUT 55 YEARS,
S/O. T. NANJAPPACHAAR.
ARYABHAVAN HOTEL,
MYSURU ROAD,
KR NAGARA TOWN - 570 001.

17. SOMASHEKARAYYA,
AGED ABOUT 55 YEARS,
S/O. LATE. ERAPPA,
R/AT KUSHALNAGARA TOWN,
KODAGU DISTRICT - 571 201.



18. ESHWARBHAT,
AGED ABOUT 59 YEARS,
S/O. T. GOVINDABHAT,
R/AT PADANOOR POST,
PUTTUR TALUK,
SOUTH KARNATAKA - 574 201.
19. KRISHNA BHAT,
AGED ABOUT 60 YEARS,
S/O. GOVIND BHAT,
R/AT PADANOOR POST,
PUTTUR TALUK,
SOUTH KARNATAKA - 574 201.
20. INDIRA
AGED ABOUT 60 YEARS,
W/O. B.C. RAGHU.
R/AT THERAKANAAMBI,
THERAKANAMBI HOBLI,
GUNDLUPETE TALUK,
CHAMARAJANAGARA DISTRICT - 571 111.
21. B.C. SURESH,
AGED ABOUT 60 YEARS,
S/O. CHANNAVEERACHAR,
R/AT BEKKERE GRAMA,
PIRIYAPATTANA TALUK,
MYSORE DISTRICT - 570 001.
22. RAMALINGEGOWDA,
AGED ABOUT 60 YEARS,
S/O. DEVEGOWDA,
R/AT KAMAGERE,
KOLLEGALA TALUK,
CHAMARAJANAGAR DISTRICT - 571 440.



23. H.G. MAHADEVASWAMY,
AGED ABOUT 60 YEARS,
S/O. H.S. JAYANNA,
R/AT N.E.S EXTENSION,
KURUBARA HOSTEL ROAD,
MALAVALLI TOWN,
MANDYA DISTRICT - 570 001.
24. B.Y. SRINIVAS,
AGED ABOUT 60 YEARS,
S/O. LATE SRI. B.S. ELAVAIAH,
R/AT D. NO. 10-16,
KASHI VISHWANATHA TEMPLE ROAD,
KOLLEGALA TOWN,
CHAMARAJANAGARA DISTRICT - 570 001.
25. SHOBHA,
AGED ABOUT 60 YEARS,
W/O. SRI. YOGANNACHAR,
R/AT D. NO. 2/2A,
C.M. ROAD,
KR NAGARA TOWN,
MYSURU DISTRICT - 570 001.
26. BOREGOWDA
AGED ABOUT 60 YEARS,
S/O. KB BOREGOWDA,
R/AT NEN LAYOUT,
LAKSHMI MEDICALS,
MALAVALLI TOWN
MANDYA DISTRICT - 570 001.
27. P. ANAND,
AGED ABOUT 60 YEARS,
S/O. RV PUTTASOMACHAR,



R/AT 6TH CROSS,
BRAHMARAMBHA LAYOUT,
SHANKARAPURA,
CHAMARAJANAGAR - 570 001.

28. MAHESH
S/O LATE PUTTANNA
AGED ABOUT 48 YEARS
R/AT GURUR VILLAGE,
KASABA HOBLI,
MYSURU TALUK,
MYSURU DISTRICT - 570 008.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 11-08-2025 PASSED ON INTERIM APPLICATION NO.22 FILED UNDER ORDER I RULE 10(2) R/W SECTION 151 CPC AS PER ANNEXURE-D BY THE V ADDITIONAL SENIOR CIVIL JUDGE & CJM AT MYSURU IN O.S.NO.494/2021 AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND



ORAL ORDER

Heard Sri Ambaji Rao Najre, learned counsel for the petitioner.

2. The plaintiffs in O.S. No. 494/2021, pending on the file of the V Additional Senior Civil Judge and JMFC, Mysuru, are before this Court, impugning the order passed by the trial Court on I.A. No. 22 dated 11.08.2025.

3. The petitioner filed the suit seeking declaration in respect of three suit schedule properties. Respondent No. 28 filed an application-I.A. No.22 under Order I Rule 10(2) CPC seeking impleadment. The trial Court, upon considering that the impleading applicant is a family member of the plaintiffs and a necessary party for effective adjudication of the suit, allowed the application and permitted impleadment.

4. Sri Ambaji Rao Najre, learned counsel for the petitioners, submits that the impleading applicant has no right, title, or interest in the suit schedule properties and is an unnecessary party. It is further submitted that the



impleadment of respondent No. 28 would only result in delay in the adjudication of the pending suit.

5. The submissions made by the learned counsel for the petitioners have been considered, and the writ petition papers have been perused.

6. The petitioners instituted a suit for declaration and permanent injunction against the defendants in respect of three suit schedule properties. Respondent No. 28 filed an application for impleadment in I.A. No.22, contending that the impleading applicant and his father, along with plaintiff Nos. 2 and 3, had formed revenue sites in the schedule property along with adjacent land, and that such sites were sold to several persons during the years 1999–2001. It is further stated that the purchasers of the sites are in possession and that the khatahs have been transferred in their names.

6.1 It is also contended that petitioner Nos. 2 and 3 had earlier filed a suit against petitioner No. 1 for partition and separate possession in O.S. No. 1562/2006 before the IV Additional Senior Civil Judge, Mysuru, in respect of the very same properties, wherein respondent No. 28 was arrayed as



defendant No. 2. The said suit came to be dismissed, and the subsequent appeal in R.A. No. 290/2018 was also dismissed, thereby attaining finality.

7. The trial Court, upon noticing the aforesaid aspects, has concluded that the impleading applicant is a necessary and proper party for the effective adjudication of the dispute in the suit. This Court finds justification in the reasoning assigned by the trial Court.

8. Additionally, it is to be noticed that plaintiff Nos. 2 and 3 had earlier instituted a suit in O.S. No. 1562/2006 seeking partition and separate possession of the very same suit schedule properties against plaintiff No. 1 and the impleading applicant. Upon dismissal of the said suit and the appeal therefrom, which has attained finality, it is not open to the petitioners/plaintiffs to now contend that the impleading applicant—respondent No. 28, is not a necessary party.

9. When a relief of partition had been claimed against respondent No. 28 in the earlier suit, this Court finds no reason to accept the contention of the petitioners that respondent No.



28 is not a necessary party in the present proceedings, particularly when the suit schedule properties involved in both suits, namely O.S. No. 1562/2006 and O.S. No. 494/2021, are one and the same.

10. The finding recorded by the trial Court is therefore justified. The impleading applicant is a necessary party for the adjudication of the suit. Further, such impleadment would avoid multiplicity of proceedings. The impleading application has been allowed by the trial Court at a stage when the suit was set down for recording of evidence. By virtue of such impleadment, the impleading applicant would be entitled to file a written statement, which may result in some delay in the conclusion of the suit. The trial Court is, therefore, directed to avoid unnecessary adjournments and to expedite the disposal of the suit at the earliest.

11. In the light of the above, the writ petition is not entertained and is accordingly ***rejected***.



**NC: 2026:KHC:16846
WP No. 9192 of 2026**

Any observations made in the course of this order are only for the purpose of disposal of this writ petition and shall not prejudice or influence the adjudication of the pending suit.

**Sd/-
(K. V. ARAVIND)
JUDGE**

VBS
List No.: 1 SI No.: 40