



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 28569 OF 2015 (GM-CPC)

BETWEEN:

SRI. B.V. OMPRAKASH
SECRETARY,
KARNATAKA STATE EDUCATION,
FEDERATION COLLEGE OF EDUCATION,
NORTHERN EXTENSION, TUMKUR
AND ALSO AT NO.692, 10TH A MAIN ROAD,
4TH BLOCK, JAYANAGAR,
BANGALORE - 560 011.

...PETITIONER

(BY SRI. B.V. OMPRAKASH, PARTY IN PERSON)

AND:

1. SRI. G.K. RAMAIAH
SECRETARY,
AGED 70 YEARS APPX,
KARNATAKA STATE EDUCATION FEDERATION,
LALBAG FORT ROAD, KALASIPALYA,
BANGALORE - 560 002.
2. SMT. MEENAKSHI
AGED 70 YEARS, APPX
DIRECTOR PRIMARY EDUCATION,
DEPARTMENT OF PUBLIC INSTRUCTION,
KARNATAKA STATE EDUCATION FEDERATION
LALBAG FORT ROAD, KALASIPALYA,



BANGALORE - 560 002.

3. SRI. P. THIPPAIAH,
EX-MLA AND MLC, PRESIDENT,
KARNATAKA STATE EDUCATION FEDERATION,
COLLEGE OF EDUCATION, TUMKUR
SINCE DECEASED NOW REPRESENTED
BY ITS NEW PRESIDENT
SRI T. UMASHANKAR
AGED 50 YEARS.

4. DR. HEMALATHA M
AGED 60 YEARS,
EX-VICE CHANCELLOR AND EX-PRINCIPAL,
KSEF COLLEGE OF EDUCATION,
NORTHERN EXTENSION, TUMKUR.

...RESPONDENTS

(BY SRI. SUKANYA H.D, ADVOCATE FOR R3;
NOTICE TO R1 AND R2 IS DISPENSED WITH, VIDE ORDER
DATED 09.11.2018;
R4 IS SERVED AND UNREPRESENTED)

THIS W.P. FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
PASSED BY THE ADDL. CITY CIVIL AND SESSION JUDGE
COURT BANGALORE CITY IN O.S. NO. 8054/1997 ON I.A. NO.
20 DATED 22.4.2014 VIDE ANN-L AND ETC.,

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

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU



ORAL ORDER

1. The present petition seeks to challenge an order dated 22.04.2014, passed by the Additional City Civil And Sessions Judge Court, Bangalore in O.S.No.8054/1997 on I.A.No.20 at Annexure-L (hereinafter referred to as 'Impugned Order'). By the Impugned Order, an application under Order 1, Rule 10 of Code of Civil Procedure'1908 (hereinafter referred to as 'CPC') filed by the respondent No.4 / applicant has been allowed by the learned Trial Court and respondent No.4 has been impleaded as a party to the suit.

2. None appears for the respondents, despite service. Given the pendency of the matter for the last eleven years, this Court deems it apposite to hear and decide the matter today.

3. The petitioner appears in person and he has been heard today.



4. The record reflects that a suit was filed by the petitioner/plaintiff in the year 1997, being O.S.No.8054 of 1997. The grievance of the petitioner was that he is the Secretary of the Karnataka State Education Federation College of Education, Tumakuru (hereinafter referred to as 'KSEF College'), which is a Society registered under the Karnataka Societies Registration Act. That the Society is being run by the Governing Council, which is stated to include petitioner No.1. The petitioner no.1 also has stated before the Court that he is the current General Secretary (elections having been held in the year 2024). The plaint that has been filed seeking declaration and injunction declaring that the defendants have no authority to interfere with the Management of College of the Society and that the plaintiff continue to be the Chairman and Secretary of the Society. The prayer for injunction and similar has also been made.



5. During the pendency of the suit before the learned Trial Court, an application came to be filed by the respondent no. 4. The application set out that the applicant is the Principal of KSEF College and a Member on the Board of Management of the College. It is stated therein that the plaintiff no.1 had handed over charge of the Presidentship of the Federation to a newly elected body and the original plaintiffs have passed away.

6. The petitioner has stated further that the present petitioner has got been impleaded as a successor, even though they are strangers to the *lis*. The applicant has also stated that the applicant is having a substantial claim, rights and interest in the functions and administration of the KSEF College and he is in protection of certain records. This application was objected to by the petitioner/plaintiff. It was stated in the application that the plaintiff-KSEF is the owner of the college established in the year 1972-1973. The averments in the application were also denied.



7. The learned Trial Court after examining this application found that since the applicant is the Principal of KSEF College, Tumkur and has stated that she is in possession of some documents, she is required to be impleaded as a party to the suit and thus has allowed the application.

8. A perusal of the amended plaint dated 30.08.2013, shows that the petitioner before this Court is plaintiff no.1 and plaintiff No.2 has been impleaded as a respondent before this Court. The parties to the suit as reflected from the record (Annexure-M) are set out below:

"1.V.Venkateshalah,
Secretary,
Karnataka State Education
Federation College of Education,
Northern Extension,
TUMKUR.

AND

Also No.692,
10th A Main Road,
4 Block, Jayanagar,
Bangalore.

Since deceased now
Represented its
New General Secretary
Sri.B.V.Omprakash,

2. Sri. Thippaiah P.
Ex.M.L.A.& Ex.M.L.C.



President.

Karnataka State Education
Federation College of Education,
Northern Extension,
Tumkur
Since Deceased Now Represented
by its New President
Sri.T.Umashankar

... PLAINTIFF

AND:

1. Karnataka State Education
Federation, Lalbagh Fort Road,
Kalasipalyam,
Bangalore-560 002.
Represented by its Secretary
Sri.G.K.Ramaiah.

2. Smt.Meenakshi,
Director, Primary Education,
Department of Public Education,
Karnataka State Education Federation,
Lalbagh Fort Road,
Kalasipalyam,
BANGALORE-560 002

... DEFENDANTS

9. A review of the cause-title of the case reflects that KSEF College has not been made a party to the present petition. The application also for impleadment has not been filed by the College, but by a party claiming to be the Principal of the College. The application is supported by an Affidavit of respondent no. 4, as the Principal of the KSEF college.



10. As can be seen from the foregoing, the suit was filed by the plaintiff seeking relief of declaration and injunction in respect of the affairs and management of the KSEF B.Ed College at Tumkur. Although it is the case of the plaintiff that the relief is only sought against the Association, however, the prayers of the plaint clearly reflect that the relief sought is not to interfere with the management/functioning of the College. The prayers in the plaint are set out below:

"WHEREFORE, Plaintiffs pray that this Hon'ble Court be pleased to pass the Judgement and Decree:

(iv) **Declaring that the Defendants have no authority to interfere with the affairs and Manage of B.Ed., college of KSEF at Tumkur and that the Plaintiffs continue to be the Secretary and Chairman of the KSEF College of Education, Northern Extension, TUMKUR.**

(ii) *Restrain the Defendants by granting permanent Injunction from interfering **with the affairs and Management of Governing Council of KSEF College of Education,** Northern Extension, TUMKUR.*

(iii) *Grant such other relief or reliefs as this Hon'ble Court deem fit to grant in the circumstances of the Case.*

(iv) *Costs of the Proceeding, in the interests of Justice and Equity."*

[Emphasis supplied]



11. The issue as to whether a party is a necessary or proper party is no longer *res integra*. The Supreme Court in the case of in ***Mumbai International Airport Private Limited Vs. Regency Convention Centre and Hotels Private Limited and Others***¹ while discussing as to who a necessary party and who a proper party is, has held that a necessary party is a person in the absence of whom no effective decree could be passed, while a proper party is a person whose presence would enable the Court to effectively adjudicate proceedings, in the following manner:

*"14. The said provision makes it clear that a court may, at any stage of the proceedings (including suits for specific performance), either upon or even without any application, and on such terms as may appear to it to be just, direct that any of the following persons may be added as a party: (a) any person who ought to have been joined as plaintiff or defendant, but not added; or (b) any person whose presence before the court may be necessary in order to enable the court to effectively and completely adjudicate upon and settle the questions involved in the suit. **In short, the court is given the discretion to add as a party, any person who is found to be a necessary party or proper party.***

*15. A "necessary party" is a person who ought to have been joined as **a party and in whose absence no effective decree could be passed at all by the court.***

¹ (2010) 7 SCC 417



HC-KAR

If a "necessary party" is not impleaded, the suit itself is liable to be dismissed. A "proper party" is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance.

[Emphasis supplied]

12. The petitioner submits that the College is a recognized college and approved by the Government of Karnataka. The application that was filed was not filed on behalf of the College but filed by a private individual, stating that since she is the Principal, she is required to be included as a party.

12.1 The Application and Affidavit does not reflect any authority from the College nor state that the applicant is seeking an impleadment on behalf of the College.



13. This issue was required to be examined by the learned Trial Court, however, the learned Trial Court without examining this issue has impleaded the applicant in her individual capacity, which can be seen from the following:

*"It is true that this suit has to be deciding on the original pleadings. But, whether the parties who got impleaded as legal representatives of the deceased plaintiff have got any right to proceed with this suit or not is the fact to be considered by this Court. **So, to decide that fact, as this applicant was in service of that B.Ed. Institution, Tumkur, she is necessary party to this suit for proper adjudication. With these observations, this Court answered point No.1 in the affirmative.**"*

[Emphasis supplied]

14. In view of the foregoing discussions, the Impugned Order cannot be sustained and is accordingly set aside., This petition is ***disposed of*** in the foregoing terms.

15. However, the order passed today will not preclude the KSEF College from filing an appropriate application in accordance with law for redressal, of its grievances given the fact that the prayers in the plaint reference KSEF College.



16. The rights and contentions of both parties are left open to be decided by the learned Trial Court. All pending applications stand closed.

Sd/-
(TARA VITASTA GANJU)
JUDGE

JJ
List No.: 2 Sl No.: 9