



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. 39578 OF 2025 (GM-CPC)

BETWEEN:

1. ASGAR ALI KHAN,
S/O LATE HUSSAIN KHAN,
AGED ABOUT 55 YEARS,
R/O NEAR WELCOME GATE
BHARATHI STREET,
SRINGEERI TOWN - 577139,
CHIKKAMAGALUR DISTRICT.
2. SMT. NAFEESA,
W/O ASGAR ALI KHAN,
AGED ABOUT 34 YEARS,
BELANDURU VILLAGE,
SRINGER TALUK.

...PETITIONERS

(BY SRI SYED ABDUL SABOOR, ADVOCATE)

AND:

1. SMT. JAIBUNISA,
D/O LATE HUSSAIN KHAN,
AND WIFE OF K. H. GOUSE SAHEB,
HOUSE HOLD WORKS,
AGED ABOUT 65 YEARS,
R/O KELLAR IN YADADALLI VILLAGE,
SRINGERI TALUK - 577139
CHICKMAGALUR DISTRICT.
2. MR. MASTHAN KHAN,
S/O LATE HUSSAIN KHAN,



AGED ABOUT 68 YEARS,
R/O BHAKTAMPURA IN
SRINGERI VILLAGE - 577139
SRINGERI TALUK,
CHIKKAMAGALUR DISTRICT.

3. SMT. ZAHIRABI,
W/O LATE KHADAR KHAN,
AGED ABOUT 80 YEARS,
R/O GOWRI COLONY,
CHIKKAMAGALURU.
4. MR. RASUL KHAN,
S/O LATE KHADAR KHAN,
AGED ABOUT 64 YEARS,
R/O GOWRI COLONY,
CHIKKAMAGALURU.
5. MR. NASIR KHAN
S/O LATE KHADAR KHAN
AGED ABOUT 61 YEARS,
R/O GOWRI COLONY,
CHIKKAMAGALURU.
6. SMT. RAHIMA BI,
D/O LATE KHADAR KHAN,
AGED ABOUT 55 YEARS,
R/O GOWRI COLONY,
CHIKKAMAGALURU.
7. SMT. AZMATH
D/O LATE KHADAR KHAN,
AGED ABOUT 50 YEARS,
R/O GOWRI COLONY,
CHIKKAMAGALURU.
8. MR. RAZAKHAN,
S/O LATE YOUSUFF KHAN,
AGED ABOUT 55 YEARS,
R/O ANEGUNDA,



BELANDURU VILLAGE,
SRINGERI TALUK.

9. MR. AARIF KHAN,
S/O LATE YOUSUFF KHAN,
AGED ABOUT 53 YEARS
R/O MASIDIGUDDA,
SRINGERI.
10. MR. AASIF KHAN,
S/O LATE YOUSUFF KHAN,
AGED ABOUT 51 YEARS,
R/O MASIDIGUDDA, SRINGERI.
11. MR. NASIR KHAN,
S/O LATE YOUSUFF KHAN,
AGED ABOUT 49 YEARS,
R/O BHARATHI STREET,
SRINGERI.
12. SMT. HURUMATH BIM
D/O LATE YOUSUFF KHANM
W/O ABDUL AZEEZM
AGED ABOUT 45 YEARS
R/O BHAKTAMPURAM
SRINGERI.
13. MR. MOHAMMED GOUSE,
S/O LATE KATUMBI AND ISMAIL,
AGED ABOUT 50 YEARS,
R/O MASIDIGUDDA,
SRINGERI.
14. SMT. BANU BI
D/O LATE KATUMBI AND ISMAIL,
AGED ABOUT 55 YEARS,
R/O BEHIND ANJANEYA DEVASTANA
BHARATHI STEET, SRINGERI.
15. SMT. FAMIDA,
D/O LATE KATUMBI AND ISMAIL,



AGED ABOUT 45 YEARS,
R/O NEAR ANJANEYA DEVASTANA,
BHARATHI STREET, SRINGERI.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER IN I.A XXII DATED 12.11.2025 IN OS 15/2020 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT N.R.PURA, ITINERATE AT SRINGERI AS PER ANNEXURE-G.

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 Syed Abdul Saboor, learned counsel for the petitioner.

2. Defendant Nos.2 and 3 in O.S. No.15/2020, pending on the file of the Senior Civil Judge, N.R. Pura, are before this Court challenging the order dated 12.11.2025 passed on I.A. No. XXII.

3. The plaintiff/respondent No.1 filed O.S. No.15/2020 seeking a declaration that the Gift Deed dated 17.01.2007 is not binding on her, and for a decree of partition of the schedule property, along with other consequential reliefs.



4. The petitioners filed their written statement opposing the plaint. In the said suit, the petitioners filed I.A. No. XXII under Order I Rule 10(2) of the Code of Civil Procedure, 1908, seeking to implead the Land Acquisition Officer, National Highway [LAO], and the Assistant Executive Engineer, National Highway, Sringeri. The trial Court, under the impugned order, rejected the application on the ground that the proposed respondents are not necessary parties to the suit.

5. Learned counsel for the petitioners submits that a portion of the suit schedule property has been acquired by the National Highway Authorities and that adequate compensation has not been paid. It is further submitted that, as the very property is the subject matter of the suit, the proposed defendants are necessary parties. It is contended that the trial Court, without considering the same, has rejected the said application.

6. Having considered the submissions made by the learned counsel for the petitioners, and upon perusal of the writ papers as well as the impugned order, this Court is not inclined to entertain the writ petition.



7. The suit is one for declaration and partition. The application in I.A. No. XXII for impleadment is supported by an affidavit. As stated in the affidavit, a portion of the land has been acquired by the National Highway Authorities pursuant to due notification. It is also stated that compensation of Rs.1,57,616/- has been paid. It is further stated that a residential house existed on the said land and that the compensation does not take into account the value of the house.

8. It is also stated that the proposed defendants are necessary for seeking enhancement of compensation. The above pleadings make it clear that the proposed impleadment is not for the purpose of adjudication of the reliefs sought in the suit. The proposed impleadment is intended to seek enhancement of compensation consequent upon the acquisition of a portion of the schedule property.

9. The petitioners are not entitled to seek enhancement of compensation in the present suit, and they have a separate remedy in that regard. The proposed impleading defendants are neither necessary nor proper parties for adjudication of the



suit. The trial Court is, therefore, justified in rejecting the application on the aforesaid grounds.

10. Upon consideration, this Court concurs with the view taken by the trial Court and finds that the proposed impleading defendants are neither necessary nor proper parties for the effective disposal of the suit. Accordingly, the writ petition stands ***dismissed***.

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