



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 23RD DAY OF MARCH 2026
BEFORE
THE HON'BLE MR. JUSTICE ASHOK S. KINAGI
WRIT PETITION NO. 101258 OF 2026 (GM-CPC)

BETWEEN:

1. RAVI S/O PUNDALIK HALLIKERI
AGE. 45 YEARS, OCC. AGRICULTURE
R/O. PADESUR, TQ. NAVALAGUND
DIST. DHARWAD-582208

...PETITIONER

(BY SRI. IRANAGOUDA K KABBUR, ADV)

AND:

1. SMT. NAGAVVA W/O SHIVANAGOUDA PATIL
AGE: 88 YEARS, OCC: HOUSEHOLD,
R/O KERIMALLAPUR, TQ: RANEBENNUR,
DIST: HAVERI-581115.

2. SMT. RATHNAMMA
W/O JAYADEVAPPA SURANAGI
AGE: 69 YEARS, OCC: AGRICULTURE
AND HOUSEHOLD, R/O HUVINAHADAGALI,
DIST: VIJAYANAGAR-583219

3. VISHWANATH S/O SHIVAPPA MULIKERI
AGE: 50 YEARS, OCC: DRIVER,
R/O KERIMALLAPUR, TQ: RANEBENNUR,
DIST: HAVERI-581115.

4. CHANDAPPA S/O SHIVAPPA MULIKERI
AGE: 48 YEARS, OCC: AGRICULTURE
R/O KERIMALLAPUR, TQ: RANEBENNUR,
DIST: HAVERI-581115

5. VASANTH S/O SHIVAPPA MULIKERI.
AGE: 38 YEARS, OCC: AGRICULTURE
R/O KERIMALLAPUR, TQ: RANEBENNUR,
DIST: HAVERI-581115

VIJAYALAKSHMI
M KANKUPPI



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6. SMT. SAROJA W/O GURUPADGOUDA
TIPPANAGOUDAR, AGE: 65 YEARS,
OCC: HOUSEHOLD, R/O MALLUR,
TQ: BYADAGI, DIST: HAVERI-581106
7. SMT. GIRIJAMMA W/O K BHARAMAGOUDA
KALSANGOUDRU R/O MALLAR,
TQ: HUVINAHADAGALI, AGE: 64 YEARS,
OCC: HOUSEHOLD DIST: BALLARI-581210
8. SMT. SHANTAVVAD/O SHIVANAGOUDA PATIL
AGE: 62 YEARS, OCC: HOUSEHOLD
R/O KERIMALLAPUR, TQ: RANEBENNUR,
DIST: HAVERI-581115.
9. PRAVEEN S/O KALLANAGOUDA PATIL
AGE: 28 YEARS, OCC: PRIVATE SERVICE
R/O KERIMALLAPUR, TQ: RANEBENNUR,
DIST: HAVERI-581115.
10. NIVEDITA D/O KALLANAGOUDA PATIL
AGE: 26 YEARS, OCC: STUDENT
R/O: KERIMALLAPUR, TQ: RANEBENNUR,
DIST: HAVERI-581115.
11. SMT. BHAGYASHREE
W/O KALLANAGOUDA PATIL
AGE: 52 YEARS, OCC: HOUSEHOLD
R/O KERIMALLAPUR, TQ: RANEBENNUR,
DIST: HAVERI-581115.
12. KALLANAGOUDA S/O SHIVANAGOUDA PATIL
AGE: 67 YEARS, OCC: RETD. EMPLOYEE
R/O 4TH MAIN, 7TH CROSS, C.B.NAGAR,
DHARWAD-580007.
13. SMT. LAXMI W/O CHANNAVEERAYYA
HOLAGUNDIMATH
AGE: 38 YEARS, OCC: HOUSEHOLD WORK
R/O BASAVESHWAR KHANAVALI,
OPP I.B. RANEBENNUR, DIST: HAVERI-
14. CHAITANYA D/O CHANNAVEERAYYA



HOLAGUNDIMATH AGE: 25 YEARS,
OCC: HOUSEHOLD WORK R/O BASAVESHWAR
KHANAVALI, OPP I.B. RANEBENNUR,
DIST: HAVERI-

15. MANOJ S/O CHANNAVEERAYYA
HOLAGUNDIMATH
AGE: 54 YEARS, OCC: HOUSEHOLD WORK
R/O BASAVESHWAR KHANAVALI, OPP I.B.
RANEBENNUR, DIST: HAVERI-

16. MALLAYYA S/O NAGAYYA HOLAGUNDIMATH
AGE: 54 YEARS, OCC: PRIVATE WORK
R/O BASAVESHWARKHANAVALI, OPP I.B.
RANEBENNUR, DIST: HAVERI-

...RESPONDENTS

(BY SRI. PRAKASH R. BADIGER, ADV FOR R2 TO R5 & R7 TO R11)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER PASSED IN OS NO.150/2024 II ADDL. CIVIL JUDGE AND JMFC, RANEBENNUR ON IA NO. III FILED, UNDER ORDER I RULE 10 OF CPC DATED 15.12.2025 AT ANNEXURE-D AND CONSEQUENTLY ALLOW THE IA. ISSUE ANY OTHER WRIT, ORDER OR DIRECTION AS THIS HONBLE TO COURT DEEMS FIT GRANT IN THE FACTS AND CIRCUMSTANCES OF THIS CASE IN THE INTEREST OF JUSTICE AND EQUITY.

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

ORAL ORDER

(PER: HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. The petitioner filed this writ petition challenging the Order on I.A.No. III dated 15.12.2025 passed in OS No.150 of 2024 by the learned II Additional Civil Judge and JMFC, Ranebennur.



2. Brief facts leading rise to the filing of this writ petition are as follows:

3. Respondent Nos.1 to 11 filed a suit for declaration, injunction and partition and separation of the suit schedule properties in O.S. No.150/2024. Respondent Nos.12 to 16 filed a written statement. The trial court framed the issues. Thereafter, the parties have led their evidence. When the matter was posted for arguments, the petitioner filed an application in IA No.III to implead himself as defendant No.6, contending that respondent No.12 has entered into sale agreement regarding the land in Survey No.137/1A+1b+2A+3A/1+2 measuring 3 acres 20 guntas and the proposed defendant No.6 i.e. the petitioner has got a right and interest over item No.4 of Suit "A" schedule property. Hence, contended that the petitioner is a necessary and proper party.

4. The said application was opposed by the respondent Nos.1 to 11 by filing their objections contending that based on the sale agreement, the petitioner has no right, title or interest as per proviso to Section 54 of the Transfer of Property Act.



Hence, the petitioner is neither a proper nor a necessary party.

Hence, prays to dismiss the application.

5. The trial Court, after hearing the learned counsel for the parties, has rejected I.A.III. Hence, this writ petition.

6. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondents.

7. Learned counsel for the petitioner submitted that the petitioner is an agreement holder wherein respondent No.12 has entered into an agreement to sell item No.4 of suit "A" schedule property. The petitioner filed a suit for specific performance of a contract which is pending for consideration. The petitioner is having a right over Item No. 4 of the suit "A" schedule property and he is a necessary and proper party. The trial Court committed an error in rejecting I.A.III. Hence, the impugned order passed by the trial Court is arbitrary and erroneous. Hence, on these grounds, he prays to allow the writ petition.

8. Per contra, learned counsel for the respondent Nos.1 to 11 submits that the said application was filed by the petitioner when the case was posted for arguments. He submitted that the



matter is posted today for pronouncement of judgment. He submitted that the petitioner is neither a necessary nor proper party. He is claiming a right based on alleged agreement of sale. He submitted that as per proviso to Section 54 of the Transfer of Property Act, the petitioner will not get any right, title or interest over the scheduled property and the trial Court was justified in rejecting application vide impugned order. Hence, on these grounds, he prays to dismiss the writ petition.

9. Perused the records and considered the submissions of the learned counsel for the parties.

10. It is undisputed that respondent Nos.1 to 11 filed a suit for declaration and injunction and for partition and separate possession in O.S. No.105/2024. The contesting respondents have entered appearance and filed their written statement. The trial court framed the issues. Thereafter, the parties have led the evidence. When the case was posted for arguments, the petitioner filed an application in I.A.III to get himself impleaded as proposed respondent No. 6 based on the agreement of sale alleged to have been executed by respondent No.12 in favour of the petitioner. The petitioner has filed a suit for specific



performance of a contract which is pending for consideration. It is yet to be decided whether respondent No.12 had executed a sale agreement. Admittedly, the suit is one for declaration, injunction and partition and separate possession. Merely on the basis of an agreement of sale, the petitioner cannot maintain an application under Order I Rule 10(2) of CPC. The trial Court considering the proviso to Section 54 of the Transfer of Property Act has rightly rejected the application by passing the impugned order. Admittedly, the case is posted today for pronouncement of judgment. In view of the same, I do not find any ground to entertain the writ petition at this stage.

11. Accordingly, I proceed to pass the following order.

The Writ Petition is dismissed.

Sd/-
(ASHOK S. KINAGI)
JUDGE

kmv
ct: bsb