



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 26TH DAY OF MARCH 2026
BEFORE
THE HON'BLE MR. JUSTICE ASHOK S. KINAGI
WRIT PETITION NO. 102809 OF 2025 (GM-CPC)

BETWEEN:

1. SMT. KALLAVVA @ KALAVATI
D/O BASAPPA GUDADARI
SMT. KALLAVVA @ KALAVATI W/O LAKKAPPA
BASALIGUNDI, AGED: 60 YEARS,
OCC: HOUSEHOLD WORK, R/O: JEKABAL,
TQ: SAVADATTI, DIST: BELAGAVI 591 117

...PETITIONER

(BY SRI. GIRISH A. YADAWAD, ADV)

AND:

1. SMT. VIDYA W/O YALLAPPA DHARMATTI,
AGE: 46 YEARS, OCC: HOUSEHOLD WORK,
R/O: HARUGERI, TQ: RAIBAG,
DIST: BELAGAVI 591 220

2. SMT. MANJULA W/O LAXMICHAND GUDADARI,
AGE: 48 YEARS, OCC: HOUSEHOLD WORK
R/O: KATRAL, TQ: SAUNDATTI,
DIST: BELAGAVI 591 126.

3. LAXMICHAND S/O DYAMAPPA GUDADARI,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O: KATRAL, TALUKA: SAUNDATTI,
DIST: BELAGAVI 591 126.

4. SMT. SHANTAVVA W/O DYAMAPPA GUDADARI,
AGE: 70 YEARS, OCC: HOUSEHOLD WORK
R/O: KATRAL, TQ: SAUNDATTI,
DIST: BELAGAVI 591 126

5. SOMASHEKHAR S/O LAXMICHAND GUDADARI,
AGE: 27 YEARS, OCC: STUDENT, R/O: KATRAL,
TQ: SAUNDATTI, DIST: BELAGAVI 591 126

6. SMT. GANGAVVA W/O CHANABASAPPA

VIJAYALAKSHMI
M KANKUPPI



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VIJAYALAKSHMI
M KANKUPPI
Date: 2026.04.08
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BANNANNAVAR, AGE: 46 YEARS,
OCC: HOUSEHOLD WORK, R/O: MUGABASAV,
TQ: BAILHONGAL, DIST: BELAGAVI 591 104

7. SANGAPPA S/O BASAPPA ADINAVAR,
AGE: 40 YEARS, OCC: KEB SERVANT,
R/O: MUGABASAV. TQ: BAILHONGAL,
DIST: BELAGAVI 591 104

8. SMT. TAYAVVA W/O BASAPPA KOLI,
AGE 38 YEARS, OCC: HOUSEHOLD WORK.
RO: KATRAL, TO: SAUNDATTI,
DIST: BELAGAVI 591 126

9. UMESH S/O BASAPPA ADINAVAR,
AGE: 36 YEARS, OCC: AGRICULTURE,
R/O: MUGABASAV, TQ: BAILHONGAL,
DIST: BELAGAVI 591 104

...RESPONDENTS

(BY SRI. GURURAJ R. TURAMARI, ADV FOR R1,
NOTICE TO R2 TO R9 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI
TO QUASH THE IMPUGNED ORDER DATED 23.04.2025 PASSED BY THE
PRL. SENIOR CIVIL JUDGE, SAUNDATTI, ON IA NO. 18 IN OS NO.
126/2017 VIDE ANNEXURE-K, CONSEQUENTLY, ALLOW THE
APPLICATION IN IA NO.18 VIDE ANNEXURE-H AND PASS SUCH ORDER
OR ORDERS WHICH THIS HON'BLE COURT DEEMS FIT AND
NECESSARY UNDER THE FACTS & CIRCUMSTANCES OF THE CASES.

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



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

1. The petitioner filed this writ petition challenging the Order dated 23.04.2025 passed in OS No.126 of 2017 by the learned Principal Senior Civil Judge, Saundatti.

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

3. Respondent No.1 instituted a suit in OS No.126 of 2017 against respondent Nos.2 to 9 seeking the relief of partition and separate possession. Respondent No.3 filed a written statement admitting the averments made in the plaint and claimed for a share in the suit schedule properties. Respondent No.2 filed a written statement denying the averments made in the plaint and prayed to dismiss the suit. The trial Court framed the issues and additional issues and the parties have led the evidence. When the case was posted for argument, the petitioner filed an application in I.A. No.18 to implead herself as defendant No.9. The said application was opposed by the 1st respondent/plaintiff. The trial Court rejected the said application



vide order dated 23.04.2025. The petitioner aggrieved by the impugned order filed this writ petition.

4. Heard the arguments of the learned counsel for the petitioner and respondent No.1.

5. Learned counsel for the petitioner submit that the trial court has not assigned any reasons for passing the impugned order. The impugned order passed by the trial court is without application of mind. He submits that the impugned order be set aside and a direction may be given to the trial court to reconsider the application and pass appropriate orders, in accordance with law, by assigning a detailed reason. Hence, on these grounds, he prays to allow the writ petition.

6. Per contra, counsel for respondent No.1 supported the impugned order and submits that the said application was filed at a belated stage and the trial Court was justified in rejecting the application on the ground that it was filed at a belated stage. Accordingly, prays to dismiss the writ petition.



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

8. Admittedly, the petitioner filed an application to implead herself as defendant No. 9. The said application was opposed by the plaintiff/respondent No.1. The trial Court after hearing both the parties, has rejected the application by passing the impugned order. From the perusal of the impugned order, it could be seen that the trial Court has not assigned any reasons while passing an impugned order. The trial Court has rejected the application solely on the ground that an application is filed at a belated stage. The trial Court has not examined whether the petitioner is a necessary or proper party. Without considering the said aspect, the trial Court has passed the impugned order. The impugned order passed by the trial Court is a cryptic order. Hence, on this ground alone, the impugned order is liable to be set aside.

9. In view of the above discussion, the following:

ORDER

The writ petition is allowed.



The Order dated 23.04.2025 passed in O.S. No.126 of 2017 by the learned Principal Senior Civil Judge, Saundatti, is set aside. I.A.18 is restored. The trial Court is directed to reconsider I.A.18 and pass appropriate orders by assigning detailed reasons in accordance with law.

In view of the petition being allowed, I.A.1/2026 does not survive for consideration and is accordingly disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE

kmv
CT: BSB