



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201037 OF 2026 (GM-CPC)

BETWEEN:

NANDKUMAR S/O VISHWANATH MUSTAPURE,
AGE: 44 YEARS, OCC: CEO HULSOOR PKPS,
R/O HULSOOR, TQ. HULSOOR,
DIST. BIDAR- 585416

...PETITIONER

(BY SRI. HALALLI S S.,ADVOCATE)

AND:

1. CHANDRAKANTH S/O BABURAO NAWADE,
AGE: 43 YEARS OCC: AGRI/LABOUR,
R/O VILLAGE HALHALLI, TQ HULSOOR,
DIST BIDAR-585436,
NOW RESIDING AT DHOOLPET HYDERABAD.
2. SMT. SULOCHANA W/O BABURAO NAWADE,
AGE: 62 YEARS, OCC: AGRICULTURE,
3. GANESH S/O BABURAO NAWADE,
AGE; 35 YEARS, OCC: AGRICULTURE,
4. DHANSHRI
W/O LATE SURYAKANTH NAWADE,
AGE: 32 YEARS OCC: HOUSEHOLD,

Digitally signed
by SACHIN
Location: HIGH
COURT OF
KARNATAKA



5. KRISHNA
S/O LATE SURYAKANTH NAWADE,
AGE: 08 YEARS OCC: NIL, MINOR U/G OF
HIS NATURAL MOTHER I.E. DEFENDANT NO.3.
6. SAMRUDHI
D/O LATE SURYAKANTH NAWADE,
AGE: 06 YEARS OCC: NIL MINOR U/G OF HER
NATURAL MOTHER I.E. DEFENDANT NO.3.
7. SHLOK
S/O LATE SURYAKANTH NAWADE,
AGE: 04 YEARS OCC: NIL, MINOR U/G OF HIS
NATURAL MOTHER I.E. DEFENDANT NO.3,
ALL ARE R/O HALHALLI, U/V TOGLUR,
TQ HULSOOR DIST BIDAR- 585436

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, I) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT IN THE LIKE NATURE TO QUASH THE ORDER DATED 05.12.2025 ON IA NO. IV IN OS NO. 18/2025 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT BASAVAKALYAN VIDE ANNEXURE-N AND ALLOW THE IA NO. IV AND IMPLEAD THE PETITIONER AS A RESPONDENT NO. 7 TO THE SAID SUIT IN OS NO. 18/2025. II) OR TO PASS ANY OTHER ORDER AS THIS HONOURABLE COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

1. This writ petition under Article 227 of the Constitution of India is filed with a prayer to quash the



impugned order at Annexure-N dated 05.12.2025 passed on I.A.No.IV in O.S.No.18/2025 by the Court of Senior Civil Judge & JMFC, Basavakalyan.

2. Heard the learned counsel for the petitioner.

3. The suit in O.S.No.18/2025 is filed before the jurisdictional civil Court at Basavakalyana by respondent no.1 herein seeking the relief of partition and separate possession of the suit schedule property. The petitioner has filed IA.No.IV under Order I Rule 10(2) R/w Section 151 of CPC with a prayer to implead him as a party defendant to the aforesaid suit. The said application was opposed by the plaintiff by filing objections. The Trial Court vide the order impugned at Annexure-N dated 05.12.2025 has rejected the said application. It is under these circumstances, the petitioner is before this Court.

4. According to the petitioner plaintiff's brother Suryakanth had misappropriated a sum of Rs.41,23,184/- in the institution in which he was working and therefore a case



was registered against him and there is an order passed against him for recovery of the amount misappropriated. It is under the circumstances, the petitioner, who is the CEO of the institution in which the brother of the plaintiff was working has filed a application under Order I Rule 10(2) R/w Section 151 of CPC.

5. The petitioner cannot be said to be a proper and necessary party to the suit filed by respondent no.1 herein seeking partition and separate possession. Undisputedly, the petitioner has not claimed any share or right in suit schedule property. Under the circumstances, the Trial Court was fully justified in rejecting I.A.No.IV. Therefore, I do not find any good ground to entertain this writ petition.

6. Accordingly, writ petition is dismissed.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE