



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 19TH DAY OF DECEMBER, 2025
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
WRIT PETITION NO. 1755 OF 2023 (GM-CPC)

BETWEEN:

SMT. LATHA PRAKASH
W/O SRI PRAKASH
AGED ABOUT 58 YEARS
R/AT NO.35/16, 2ND FLOOR
LANGFORD ROAD CROSS
BENGLAURU-560025
REPRESENTED BY HER GPA HOLDER
SRI.PRANAYA PRAKASH
S/O PRAKASH
AGED ABOUT 34 YEARS
R/AT NO.35/16, 2ND FLOOR
LANFGORD ROAD, CROSS
BENGALURU - 560 025.

...PETITIONER

(BY SRI LOKESH K, ADV., FOR
SRI VIJAYA KUMAR K, ADV.)

AND:

1. SMT. VENKATALAKSHMAMMA
W/O LATE KODIAIAH
AGED ABOT 61 YEARS
R/AT BACHENAHATTI VILLAGE
KQASABA HOBLI, MAGADI TALUK
RAMANAGARA DISTRICT, PIN - 562 120.
2. SMT. PUSHPA
D/O LATE KODIAIAH
AGED ABOUT 45 YEAS
R/AT NO.75, 1ST MAIN ROAD
2ND CROSS, BEHIND HVR
KALYANA MANTAPPA
MAGADI MAIN ROAD
BENGALURU - 560 079.

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



SRI K. MUDDURAJ
SINCE DEAD BY HIS LRS

3. SMT.SAVITHA MUDDURAJ
W/O LATE K.MUDDURAJ
AGED ABOUT 41 YEARS.
4. SUMANTHA YADAV
S/O LATE K. MUDDURAJ
AGED ABOUT 26 YEARS.
5. ABHISHEK YADAV
S/O LAE K. MUDDURAJ
AGED ABOUT 24 YEARS.

RESPONDENTS NO.3 TO 5 ARE
R/AT BACHENAHATTI VILLAGE
KASABA HOBLI, MAGADI TALUK
RAMANAGARA DISTRICT
PIN - 562120.

6. SRI B.K. MARUTHI
S/O LATE KODIAH
AGED ABOUT 47 YEAS
R/AT BACHENAHATTI VILLAGE
KASABA HOBLI, MAGADI TALUK
RAMANAGARA DISTRICT
PIN - 562 120.

...RESPONDENTS

(R-1 SERVED, V/O DTD:11.11.2022, NOTICE TO R-2 IS D/W
V/O DTD:03.02.2023, NOTICE TO R-3 RO R-6 D/W)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN O.S. NO.450/2014 PENDING ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, AT MAGADI, AND SET ASIDE THE ORDER DATED 16/09/2022 PASSED ON IA NO.11 FILED BY THE PETITIONER UNDER ORDER 1 RULE 10(2) READ WITH SECTION 151 OF THE CODE OF CIVIL POCEDURE (AANEXURE-A) AND CONSEQUENTLY ALLOW THE IA NO.11, BY ALLOWING THIS WRIT PETITION.

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



CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. The petitioner is before this Court in this writ petition filed under Article 227 of the Constitution of India with a prayer to set aside the order dated 16.09.2022 passed on I.A.No.XI in O.S.No.450 of 2014 by the Court of Addl. Senior Civil Judge & JMFC, Magadi.

2. Heard the learned counsel appearing for the petitioner. The respondents who are served in the matter have remained unrepresented before this Court.

3. Suit in O.S.No.450 of 2015 is filed before the jurisdictional civil Court, Magadi by respondent nos.1 and 2 herein seeking the relief of partition and separate possession of the suit schedule property. In the said suit, I.A.No.XI was filed by the petitioner herein under Order I Rule 10 of CPC with a prayer to implead him as party defendant in the suit and the Trial Court vide the order impugned has rejected the application. Aggrieved by the same, the petitioner is before this Court.



4. Perusal of the material on record would go to show that, the petitioner has purchased Item no.2 of the suit schedule property from defendant no.1 in the suit under a registered sale deed dated 15.12.2006. The suit in O.S.No.450 of 2015 seeking relief of partition and separate possession is filed much after the aforesaid sale deed under which the petitioner has purchased item no.2 of the suit schedule property. The plaintiff as well as the other defendants had not opposed the prayer made in the application filed on behalf of the petitioner. However, the Trial Court has rejected the said application on the ground that the petitioner is not a coparcener and if the petitioner has got any rights he can work out the same in the final decree proceedings.

5. Undisputedly, the petitioner is a purchaser of suit schedule item no.2 property and the said property has been purchased by him from defendant no.1. Even prior to filing of the suit, the petitioner is definitely a proper party to the suit if not a necessary party. The Trial Court has failed appreciate this aspect of the matter. Therefore, the Trial Court was not justified in rejecting I.A.No.XI.



6. Accordingly, the following :-

ORDER

Writ petition is allowed.

The impugned order dated 16.09.2022 passed on I.A.No.XI in O.S.No.450 of 2014 by the Court of Addl. Senior Civil Judge & JMFC, Magadi is set aside. Consequently, the prayer made in I.A.No.XI is granted.

In view of the disposal of the main petition, pending interlocutory application, if any, do not survive for consideration. Accordingly, the same is disposed off.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

NMS