



CNR: KAHC010058592023

NC: 2026:KHC:46342
W.P. No.2377/2023
C/W W.P. No.97/2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.2377/2023 (GM-CPC)

C/W

WRIT PETITION NO.97/2024 (GM-CPC)

IN W.P. No.2377/2023:

BETWEEN:

1. SRI. R. KRISHNAMURTHY
S/O DODDARAMEGOWDA
AGED 53 YEARS
JODINERALAKERE VILLAGE
NELAMANGALA TALUK
MANDYA DISTRICT.

...PETITIONER

(BY SRI. MAYANNA GOWDA N.R. ADV.,)

AND:

1. SMT. NANJAMMA
D/O LATE NANJIAH
W/O SRI NARASIMHAIAH
NO 12, 2ND CROSS
SHANKAR LAYOUT
NANJAMMA AGRAHARA
CHAMARAJPET
BANGALORE 560018.

SMT. LINGAMMA @ NINGAMMA
SINCE DECEASED BY LR'S.

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



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2. SMT. DEVAMMA
D/O LATE SIDDAIAH AND
LATE LINGAMMA
AGED 62 YEARS.
3. SRI. SIDDALINGAIAH
S/O SIDDAIAH AND
LATE LINGAMMA
AGED 60 YEARS.
4. SRI. ANANTHARAJU
S/O SIDDAIAH AND LATE LINGAMMA
AGED 56 YEARS.
5. SRI. S. NATARAJU
S/O SIDDAIAH AND LATE LINGAMMA
AGED 53 YEARS.
6. SRI. S. DAYANAND
S/O SIDDAIAH AND LATE LINGAMMA
AGED 51 YEARS.
7. SMT. S. GEETHADEVI
D/O SIDDAIAH AND LATE LINGAMMA
AGED 49 YEARS.
8. SMT. S. DHANALAKSHMI
D/O SIDDAIAH AND LATE LINGAMMA
AGED 43 YEARS.
9. SRI. N.C. GIRISH
S/O SIDDAIAH AND LATE LINGAMMA
AGED 43 YEARS.
10. SRI. S. SHANTHARAJA
S/O SIDDAIAH AND LATE LINGAMMA
AGED 40 YEARS.
11. SMT. S. MAMATHADEVI
D/O SIDDAIAH AND LATE LINGAMMA



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AGED 38 YEARS.

R2 TO R11 ARE ALL
R/AT NO.2, 3RD CROSS
NANJAPPA LAYOUT
AUDUGODI, BANGALORE.

12. MRS. RATHNAMMA
W/O MR. MUDDE GOWDA
DAUGHTER IN LAW OF
MR. MADHVARAYA
MAJOR
R/AT HARALAKERE VILLAGE
NAGAMANGALA TALUK
MANDYA DISTRICT.

MRS. SUSHEELAMMA
D/O MR. NANJIAH
SINCE DECEASED BY HER
LEGAL REPRESENTATIVES.

13. MR. N.R. MAHENDRA
S/O DODDARAMEGOWDA
AGED ABOUT 39 YEARS.

14. MRS. SRIMATHI
W/O THIMMAPPA GOWDA
AGED 43 YEARS.

15. SMT. BHAGYAMMA
W/O SRINIVASA GOWDA
AGED 36 YEARS.

R13 TO R15 ARE R/AT
JODINERALAKERE VILLAGE
NAGAMANGALA TALUK
MANDYA DISTRICT.

...RESPONDENTS



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(BY SRI. V.S. SHAM SUNDAR, ADV., FOR R1
SRI. THOMAS V. PETER, ADV., FOR R2 TO R11
SRI. PRATHEEP K.C. ADV., FOR R12
SRI. DAYANANDA K.G. ADV., FOR R13 TO R15)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASHING THE ORDER
PASSED BY THE LEARNED XVIII ADDITIONAL CITY CIVIL
COURT AT BANGALORE IN FDP NO.137/2008 ON IA NO.7
UNDER SECTION 2 OF PARTITION ACT DATED 05.12.2022, AS
PER ANNEXURE-E & ETC.

IN W.P. NO.97/2024:

BETWEEN:

1. SRI. R. KRISHNAMURTHY
S/O DODDARAMEGOWDA
AGED ABOUT 48 YEARS
JODINERALAKERE VILLAGE
NAGAMANGALA TALUK
MANDYA DISTRICT.

...PETITIONER

(BY SRI. MAYANNA GOWDA N.R. ADV.,)

AND:

1. SMT. NANJAMMA
D/O LATE NANJIAH
W/O SRI. NARASIMHAIAH
NO.12, 2ND CROSS
SHANKAR LAYOUT
CHAMARAJPET
BANGALORE-560018.

SMT. LINGAMMA @ NINGAMMA
SINCE DECEASED BY HER LR'S.



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2. SMT. DEVAMMA
D/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 63 YEARS.
3. SRI. SIDDALINGAIAH
S/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 61 YEARS.
4. SRI. ANANTHARAJU
S/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 57 YEARS.
5. SRI. S. NATARAJU
S/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 54 YEARS.
6. SRI. S. DAYANAND
S/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 51 YEARS.
7. SMT. S. GEETHADEVI
D/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 49 YEARS.
8. SMT. S. DHANALAKSHMI
D/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 46 YEARS.
9. SRI. N.C. GIRISH
S/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 43 YEARS.
10. SRI. S. SHANTHARAJU
S/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 40 YEARS.
11. SMT. S. MAMATHADEVI
D/O SIDDIAIAH AND LATE LINGAMMA
AGED ABOUT 38 YEARS.



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R2 TO R11 ARE
R/AT NO.2, 3RD CROSS
NANJAPPA LAYOUT
AUDUGODI, BANGALORE.

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W/O MR. MUDDEGOWDA
DAUGHTER IN LAW OF
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AGED ABOUT 43 YEARS.

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W/O SRINIVAS GOWDA
AGED ABOUT 36 YEARS.

R13 TO R15 ARE
R/AT JODINERALAKERE VILLAGE
NAGAMANGALA TALUK
MANDYA DISTRICT.

...RESPONDENTS

(BY SRI. V.S. SHAM SUNDAR, ADV., FOR R1
SRI. PRATHEEP K.C. ADV., FOR R12
R2 TO R11, R13 ARE SERVED)



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THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER PASSED BY THE LEARNED XVIII ADDL. CITY CIVIL COURT AT BANGALORE IN FDP NO.137/2008 ON I.A. NO.7 UNDER SECTION 2 OF PARTITION ACT DATED 31/10/2023, AS PER ANNEXURE-G & ETC.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

W.P.No.2377/2023 is filed challenging the order dated 05.12.2022 and W.P.No.97/2024 is filed challenging the order dated 31.10.2023, both the orders passed in FDP No.137/2008 by XVIII Additional City Civil and Sessions Judge, Bengaluru (for short, '**the FDP Court**').

2. Heard Sri.Mayanna Gowda N.R., learned counsel for the petitioner, Sri.V.S.Sham Sundar, learned counsel for the respondent No.1, Sri.Thomas V.Peter, learned counsel for the respondent Nos.2 to 11,



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Sri.Pratheep K.C., learned counsel for the respondent No.12, Sri.Dayananda K.G., learned counsel for the respondent Nos.13 to 15 and perused the material available on record.

3. The respondent No.1 had initiated the final decree proceedings in FDP No.137/2008 seeking to draw the final decree pursuant to the preliminary decree in O.S.No.6915/1994. In the said final decree proceedings, respondent No.1 herein filed an application under Section 2 of the Partition Act, 1893 seeking prayer for sale of Item No.2 of the suit schedule 'A' property. The said application was allowed by the FDP Court vide order dated 05.12.2022. It is to be noticed that the FDP Court appointed the Court Commissioner who submitted the report. The report of the Court Commissioner indicates that Item No.2 of the schedule 'A' property cannot be divided into four parts as per the preliminary decree on account of the small size of the site area. Taking note of



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the said aspect, the FDP Court has rightly allowed the application and ordered for sale of the property.

4. It is to be noticed that the FDP Court further on 31.10.2023 issued the sale proclamation and sale warrant to be conducted. I do not find any procedural error in passing the impugned orders as the Court Commissioner has categorically observed that the property covered in the application filed by respondent No.1 herein is not divisible. Hence, the FDP Court considered the said aspect and proceeded to order for sale. I do not find any error in the impugned orders calling for interference in the present petitions.

5. It is needless to observe that parties to the FDP proceedings are permitted to participate in the sale process.

6. With the aforesaid liberty, the writ petitions are ***disposed of*** without interfering with the impugned orders.



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The FDP Court shall re-issue the proclamation and conduct fresh sale in accordance with law.

Pending applications, if any, are disposed of.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 1 Sl No.: 36