



CNR: KAHC010027252018

NC: 2026:KHC:49629
WP No. 8765 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 8765 OF 2018 (GM-CPC)

BETWEEN:

SMT. SHOBHA CHIDANANDA
AGED ABOUT 57 YEARS
W/O SRI. K.V. CHIDANANDA
VENKATESHA NILAYA, SRIRAMPET
SULLIA - 574 239
DAKSHINA KANNADA.

...PETITIONER

(BY SRI. CHANDRANATH ARIGA K, ADVOCATE)

AND:

1. SMT. GOVARDHINI JAYAKUMAR
AGED ABOUT 57 YEARS
W/O LATE DR. JAYAKUMAR THOTAMBAIL
6234, STEINWAY DRIVE, JAMES VILLE
NW YORK - 13078, USA.
2. DR. K.V. CHIDANANDA
AGED ABOUT 63 YEARS
S/O LATE SRI. KURUNJI
VENKATARAMANA GOWDA
VENKATESHA NILAYA, SRIRAMPET
SULLIA - 574 239, D.K.
3. DR. K.V. RENUKA PRASAD
S/O LATE SRI. KURUNJI

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ANNABURNA
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Location: High
Court of
Karnataka



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AGED ABOUT 60 YEARS
VENKATARAMANA GOWDA
KURUNJI HOUSE, SRIRAMPET
SULLIA - 574 239, D.K.

4. SMT. JYOTHI RENUKA PRASAD
W/O DR. K.V. RENUKA PRASAD
VNEKATARAMANA GOWDA
KURUNJI HOUSE, SRIRAMPET
SULLIA - 574 239, D.K.

5. MR. AKSHYA
S/O DR. K.V. CHIDANANDA
AGED ABOUT 35 YEARS
VENKATARAMANA GOWDA
VENKATESHA NILAYA, SRIRAMPET,
SULLIA - 574 239, D.K.

...RESPONDENTS

(BY SRI. C.H. JADHAV, SR. COUNSEL FOR
SRI. CHETAN JADHAV, ADVOCATE FOR R1;
SRI. K. SHRIHARI, ADVOCATE FOR R2;
SRI. A. MADHUSUDHAN RAO, ADVOCATE FOR R4;
R5 AND R3 SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 17.01.2018 ON I.A.11 IN O.S.145/2013 ON THE FILE
OF THE SENIOR CIVIL JUDGE, MADIKERI AT ANNEX-H AND
ETC.,

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



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CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Captioned petition is filed by the proposed defendant, who is the wife of defendant No.1, calling in question the order dated 17.01.2018 passed by the learned Senior Civil Judge, Madikeri, on I.A.No.11 in O.S.No.145/2013, whereby the application filed under Order I Rule 10 of the Code of Civil Procedure, 1908 (for short, 'CPC') came to be allowed insofar as the present petitioner is concerned.

2. Heard the learned counsel for the petitioner and the learned Senior Counsel appearing for respondent No.1/plaintiff. Perused the impugned order and the material on record.

3. The learned Senior Counsel appearing for the plaintiff would seek to sustain the order contending that there is sufficient material warranting impleadment of the petitioner. It is contended that, in a partition suit, all persons having an interest in the properties are required to be before the Court so as to enable complete and effective adjudication of the dispute.



4. There cannot be any dispute with regard to the proposition that, in a partition suit, the Court can exercise wide jurisdiction under Order I Rule 10 CPC to implead a person who is either a necessary or a proper party. However, such discretion has to be exercised on the basis of the pleadings and material placed before the Court and not on mere surmises or assumptions.

5. In the present case, reliance is placed on paragraph No.9 of the written statement filed by defendant No.2. A careful examination of the said paragraph would indicate that defendant No.2 has referred to a grandson by name Akshay and certain properties which, according to him, are required to be brought within the scope of the suit. Significantly, there is no reference in the said paragraph to any property standing in the name of the present petitioner. Equally, the plaint does not contain any specific averment with regard to acquisition or ownership of any property by the petitioner which is sought to be brought within the hotchpot of the partition.

6. The impleading application also does not disclose the particulars of any such property. Except for a general assertion



that defendant No.1 had acquired properties in the name of his wife, no particulars whatsoever are forthcoming. Mere apprehension or an assumption that properties may have been purchased in the name of the wife of defendant No.1 cannot, in the absence of foundational pleadings or supporting material, furnish a basis to implead her as a defendant in the suit.

7. The stage at which the application has been filed is also relevant. The application came to be filed when the matter had reached the stage of cross-examination of DW2. At such a stage, impleadment of the petitioner as a core defendant, without disclosing the property said to be held by her or the nature of her alleged interest therein, cannot be sustained merely on the ground that such impleadment may facilitate complete adjudication.

8. The learned Trial Judge, while allowing I.A.No.11, has not examined these foundational aspects. The impugned order proceeds on the broad premise that the petitioner ought to be before the Court in view of the nature of the suit, without recording a finding, based on the pleadings or material, that the petitioner is either a necessary party in whose absence an



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effective decree cannot be passed or a proper party whose presence is necessary for complete adjudication of the questions involved in the suit.

9. In the absence of any specific pleading identifying the property allegedly held by the petitioner and its nexus with the suit properties, her impleadment cannot be sustained. The impugned order, insofar as it directs impleadment of the present petitioner, therefore, warrants interference.

10. For the foregoing reasons, the following:

ORDER

i. The writ petition is **allowed in part**.

ii. The order dated 17.01.2018 passed by the learned Senior Civil Judge, Madikeri, on I.A.No.11 in O.S.No.145/2013 is set aside insofar as the present petitioner is concerned.

iii. The learned Senior Counsel appearing for respondent No.1/plaintiff submits that the suit is of the year 2013 and seeks expeditious disposal of the



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same. The submission is placed on record. The learned Trial Judge shall make every endeavour to dispose of the suit expeditiously, subject to the workload of the Court.

iv. The parties shall cooperate with the learned Trial Judge in expeditious disposal of the proceedings and shall not seek unnecessary adjournments.

No order as to costs.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**