



CNR: KAHC010045092020

NC: 2026:KHC:51171
WP No. 2480 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.2480 OF 2020 (GM-CPC)

BETWEEN:

SMT.DILSHAD
SHEIK MOHIUDDIN
AGED ABOUT 47 YEARS
RESIDING OF GOVINDAPURA
THYAMAGONDLU HOBLI
NELAMANGALA TALUK
BENGALURU RURAL DISTRICT
PINCODE - 562111

...PETITIONER

(BY SRI.MADHVACHAR M, ADVOCATE)

AND:

1. H.M.SRINATH
S/O LATE S.MADANGOPAL
AGED ABOUT 44 YEARS
RESIDING AT NO.305
CHANDRAKANTA NILAYA
1ST MAIN ROAD, N S PALYA
BTM LAYOUT
BENGALURU-560076
2. SMT.PYARIJAN
W/O NANEJAN
AGED MAJOR
R/AT SULAKUNTE VILLAGE

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified





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THYAMAGONDLU HOBLI
KULUVANAHALLI POST
NELAMANGALA TALUK

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNX-G ORDER DATED 07.08.2019 ON I.A.NO.2/2018 IN O.S.NO.575/2017 ON FILE OF SENIOR CIVIL JUDGE, NELAMANGALA AND REJECT THE APPLICATION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The present petition is filed by defendant No.2, who came to be impleaded at the instance of the plaintiff in O.S.No.575/2017, a suit instituted for specific performance of an agreement of sale. The principal grievance of the petitioner is that she is not a party to the suit agreement and, therefore, her presence is neither necessary nor proper for effective adjudication of the dispute relating to the execution and enforceability of the suit agreement.

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2. Heard learned counsel for the petitioner and learned counsel appearing for the respondents. Perused the pleadings and the impugned order.

3. The material on record indicates that the suit has been instituted seeking specific performance of the agreement of sale dated 08.09.2017. It is not in dispute that the Gift Deed in favour of the present petitioner was executed by the original defendant on 02.11.2017, i.e., subsequent to the execution of the suit agreement.

4. Ordinarily, in a suit for specific performance, the parties to the agreement and the persons against whom the contractual relief is sought would constitute the necessary parties. However, the question of impleadment has to be examined in the backdrop of the subsequent transaction relied upon by the petitioner herself. In the present case, the petitioner claims an independent interest under the Gift Deed dated 02.11.2017, which admittedly



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came into existence subsequent to the agreement of sale dated 08.09.2017.

5. The impleadment of the petitioner, therefore, cannot be said to be wholly unnecessary. The plaintiff, in the event of succeeding in the suit and securing a decree for specific performance, would necessarily be entitled to have the decree effectively worked out against subsequent transferees or persons claiming an interest in the suit property through the original defendant. Her presence would consequently enable the Trial Court to completely and effectively adjudicate the rights of all persons claiming an interest in the suit property and avoid the possibility of a subsequent round of litigation.

6. It is also relevant to note that the Gift Deed in favour of the petitioner was executed subsequent to the suit agreement. The learned Trial Court, keeping in view the sequence of the transactions and the necessity of avoiding complications in the event of the plaintiff



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ultimately succeeding in the suit, has exercised its discretion in permitting the petitioner to be brought on record. Such exercise of discretion is intended to ensure complete adjudication of the controversy and to avoid multiplicity of proceedings.

7. This Court finds no perversity, arbitrariness or jurisdictional error in the discretion exercised by the learned Trial Court. The mere fact that the petitioner was not an executant of the suit agreement, by itself, would not render her impleadment impermissible when she claims an interest in the suit property through her mother/defendant under a subsequent transaction and her presence may be necessary for effectively determining the rights flowing from such competing claims.

8. In that view of the matter, the order passed by the learned Trial Court allowing the impleading application does not warrant interference in the exercise of the jurisdiction of this Court.



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The petition being devoid of merit, stands
dismissed.

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Verified

(SACHIN SHANKAR MAGADUM)
JUDGE