



CNR: KAHC010154942026

NC: 2026:KHC:47700
WP No. 7052 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 7052 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. HARSHA C.H.,
S/O SRI. HANUMANTHU,
AGED ABOUT 30 YEARS,
2. SRI. ARUN KUMAR C. J.,
S/O SRI. JAYARAM,
AGED ABOUT 36 YEARS,
3. SRI. KIRAN @ KIRAN KUMAR,
S/O SRI. JAYARAM,
AGED ABOUT 31 YEARS,
4. SRI. SUDARSHAN @ SUHAS GOWDA,
S/O MUTHAIAH,
AGED ABOUT 25 YEARS,

ALL ARE RESIDING AT
CHALLEGHATTA VILLAGE,
KUMBALAGODU POST,
KENGARI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU DISTRICT – 560 071.

...PETITIONERS

(BY SRI. H.K.KENCHEGOWDA., ADVOCATE)



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AND:

1. SMT. JAYAMMA,
W/O LATE. LAKSHMAIAH,
AGED ABOUT 72 YEARS,
RESIDING AT CHALLEGHATTA VILLAGE,
KUMBALAGODU POST,
KENGARI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU – 560 071.
2. SMT. MUNIRATHNAMMA,
W/O RAVIKUMAR,
AGED ABOUT 58 YEARS,
RESIDING AT BINNY MILL,
K.P. AGRAHARA, 1ST CROSS,
2ND CROSS ROAD, 12TH MAIN,
BENGALURU - 560 023.
3. SMT. MANGALAMMA,
W/O MAYANNA,
AGED ABOUT 55 YEARS,
RESIDING AT NO.16/1,
GARDEN SCHOOL ROAD,
FLOOR MILL BUILDING,
SUBRAMANYAPURA POST,
GOWDANAPALYA,
BENGALURU – 560 061.
4. SRI. C.H. HANUMANTHU @
HANUMANTHIAH,
S/O HANUMAIAH,
AGED ABOUT 65 YEARS,



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5. SRI. VENKATAHANUMAIHAH,
S/O HANUMAIHAH,
AGED ABOUT 69 YEARS,
6. SRI. JAYARAMAIAH @ JAYARAMU,
S/O HANUMAIHAH,
AGED ABOUT 63 YEARS,
7. SRI. MUTHAIAH,
S/O HANUMAIHAH,
AGED ABOUT 52 YEARS,
THE RESPONDENT NO.4 TO 7 ARE
RESIDING AT CHALLEGHATTA VILLAGE,
KUMBALAGODU POST, KENGARI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU DISTRICT – 560 071.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ORDER DATED ASIDE THE IMPUGNED DATED 19.02.2014 IN FDP NO.02/2014 ON I.A. NO.5 THE APPLICATION FILED BY THE PETITIONERS UNDER ORDER I RULE 10(2) OF THE CODE OF CIVIL PROCEDURE, PASSED BY THE LEARNED PRINCIPAL CIVIL JUDGE, BENGALURU RURAL DISTRICT AT BENGALURU, VIDE ANNEXURE-A BY ISSUING A WRIT OF CERTIORARI AS ILLEGAL AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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ORAL ORDER

Aggrieved by the order dated 19.02.2024 passed on IA No.5 in FDP No.02/2014 on the file of the learned Prl.Civil Judge, Bengaluru Rural District, Bengaluru, the petitioners are before this Court.

2. The petitioners have filed an application to implead them in the FDP proceedings. It is the case that, a Will was executed by their grandfather and based on the said Will, they have acquired right and title in the property. Earlier, OS.No.259/1999 was filed seeking partition, that came to be decreed on 16.01.2024. Against that, the impleading applicants' grandfather filed an appeal in R.A No.84/2014. Then the impleading applicants filed an application under Order 22 Rule 1 and 3 and Under Order 1 Rule 10(2) R/w Section 151 CPC, seeking permission to come on record and the said application came to be allowed by the Order dated 07.04.2018. However, insofar as the claim made by them in respect to the title of the item No.1 of the schedule based on the Will, the Court directed them to file regular law suit before the competent Court. Against that, the petitioners have filed



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WP.No.6036/2019 before this Court. That also came to be dismissed. Thereafter, the petitioners have filed OS No.1866/2022 seeking declaration. Then, the Judgment Debtors have filed FDP No.2/2014, in that the petitioners have filed an application to implead them as respondents, that came to be dismissed by order impugned.

3. While dismissing the application, the Court has recorded the earlier proceedings and also the suit that is filed by the plaintiffs and observed that such being the case, their presence is not required in the present petition and this Court cannot adjudicate the rights of the proposed respondents, as the same was seized in OS.No.1866/2022. When a person claims right, title based on a Will, a separate civil suit lies. In the case on hand, already the Appellate Court and the High Court have directed the proposed respondents to file a separate suit based on the Will and accordingly, the proposed respondents have filed separate suit and the same is pending for consideration. Hence, the question of impleading them in the present petition does not arise. Another aspect is that similar applications was filed by the proposed respondents



herein and the same was numbered as Item No.4 and the said application was withdrawn by the proposed respondents themselves on 30.03.2023. But once again filed a similar application. Accordingly, the court has rejected the application.

4. Learned counsel appearing for the petitioners submits that the suit for declaration is pending adjudication. In the meantime, if any orders are passed on the execution, that would cause lot of prejudice to the petitioners, their rights in property are involved. In those circumstances, they are the necessary party to the said proceedings. But the Court without adjudicating all these aspects, had dismissed the petition. It is submitted that in the LAC, the petitioners filed an application, that was entertained by the Court. In those circumstances, even to these execution proceedings are also, they are the proper parties. It is stated that, if any order that is passed in the execution would have an impact on the petitioners and also the pending suit filed by the petitioners seeking declaration and, the Court ought to have allowed the application.

5. Having heard the learned counsel for the petitioners, perused the material on record. This Court, in the



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preceding paragraphs, has observed how the suit was filed. The record indicates how the petitioners were impleaded in the Regular Appeal and what order was passed therein. Whereby, the Court directed them to file an independent suit, which is currently pending consideration.

6. In those circumstances, the executing Court rightly held that it cannot go beyond the decree, that no rights of the petitioners need to be adjudicated in the execution petition, and that they cannot be impleaded. Accordingly, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All Pending IAs in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

BH
List No.: 1 Sl No.: 17