



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE JAYANT BANERJI

WRIT PETITION NO. 7601 OF 2026 (GM-CPC)

BETWEEN:

1. SUVARNA GOWRAMMA
W/O A. SATHYANARAYANAPPA,
AGED ABOUT 93 YEARS,
2. CHANDRA SHEKHARA
S/O A. SATHYANARAYANAPPA,
AGED ABOUT 74 YEARS,

APPELLANTS ARE AGRICULTURISTS,
AND R/O HAREGOPPA
KELADI VILLAGE, KASABA HOBLI,
SAGAR TALUK-577 401
SHIVAMOGGA DISTRICT.

...PETITIONERS

(BY SRI S.V. PRAKASH, ADVOCATE)

AND:

SMT. MEGHANA
W/O VIJAYENDRA ATHANEEKAR
ADOPTED D/O KRISHNA MURTHY A
AGED ABOUT 32 YEARS,
OCC: HOMEMAKER,
R/O HAREGOPPA VILLAGE,
KELADI VILLAGE, KASABA HOBLI,
SAGAR TALUK-577 401
SHIVAMOGGA DISTRICT.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER
DATED 19.12.2025 ON I.A. NO.III PASSED BY THE COURT OF
LEARNED PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, SAGARA ON
THE APPLICATION MADE UNDER ORDER I RULES 10(2) OF CODE OF
CIVIL PROCEDURE, 1908 IN O.S. NO.05/2020 AND THEREBY



IMPLEADING THE APPLICANT/RESPONDENT HEREIN IN INTERLOCUTORY APPLICATION AS CO-DEFENDANT IN THE SUIT PRODUCED AS PER ANNEXURE-H TO THE WRIT PETITION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI

ORAL ORDER

Heard the learned counsel for the petitioners.

2. Even though this petition is actually filed under Article 227 of the Constitution of India, seeks the following reliefs and the prayer:-

- a) *ISSUE a writ in the nature of certiorari and set aside the order dated 19.12.2025 on I.A.No.III passed by the court of learned Principal Senior Civil Judge and JMFC, Sagara on the application made under Order I Rules 10(2) of Code of Civil Procedure, 1908 in O.S. No.05/2020 and thereby impleading the applicant/respondent herein in interlocutory application as Co-defendant in the suit produced as per ANNEXURE-H to the writ petition;*
- b) *Reject/Dismiss the application made by the respondent herein under Order I Rule 10(2) of Code of Civil Procedure, 1908 in O.S. No.05/2020*



seeking to implead her as Co-defendant in the suit produced as ANNEXURE-E to the writ petition;

- C) Issue any other appropriate writ or order or direction as this Hon'ble Court deems it and appropriate in the admitted facts and circumstances of the case in the interest of justice;*
- D) Pass such other suitable orders as this Hon'ble court deems it appropriate in the attendant circumstances and facts of the case;*
- E) Award the cost of this proceeding."*

3. By the impugned order, the application-IA moved by the respondent herein under Order I Rule 10(2) of Civil Procedure Code, 1908¹ seeking a direction to the plaintiffs to implead her as a co-dependent in the suit bearing OS No.5/2020 has been allowed impleading the respondent- Smt. Meghana as a co-defendant in the suit. Certain directions have also been issued.

4. The contention of learned counsel for the petitioners is that, earlier a suit seeking a declaration was filed by Smt. Meghana the respondent herein seeking a declaration that she was the adoptive child of the father of the original defendant namely, Sri. A. Krishnamurthy. The said suit came to

¹ CPC



be dismissed as withdrawn. It is stated that thereafter another suit was filed by the petitioners, namely O.S.No.32/2020 seeking relief of declaration that the respondent is not the adoptive daughter and seeking cancellation of the adoption deed (Annexure:G). This suit is pending consideration. It is stated that the respondent has no connection with Sri. A. Krishnamurthy and the deed of adoption is a fraudulent document.

5. I have perused the impugned order. The pleadings and objections of the parties were considered and an inquiry was conducted by the trial Court under Order 1 Rule 10(2) of CPC. The applicant herself was examined as PW1 who relied upon 07 documents which were exhibited. The plaintiff no.1 examined himself as DW1 and relied upon 41 documents, which were duly marked. It was noted that the PW.1 had deposed that she was given in adoption by her biological parents in favour of the deceased defendant in the year 2001 in accordance with Hindu customs and traditions; that though adoption took place in the year 2001, a registered adoption deed was executed subsequently in the year 2021 to formally record the earlier adoption; that a partition had taken place



between herself and the deceased defendant, wherein the suit schedule property was allotted to her share and therefore, she has a subsisting right, title, and interest in the subject matter of the suit. The exhibits relied upon by her included the alleged adoption deed, plaint in OS No.32/2020, partition deed and other supporting documents. During cross-examination, PW1 admitted that she had earlier filed a suit seeking declaration that she is the adopted daughter of the deceased and the said suit was subsequently withdrawn. She also admitted that no decree declaring her as the adopted daughter has been passed by any competent court.

6. In the inquiry by the Court, the plaintiff no.1 examined himself as DW1. He categorically denied the adoption and stated that the deceased defendant, during his lifetime had consistently denied adopting the applicant; in the suit filed by the applicant, the deceased defendant had filed objections denying the same and had produced documentary evidence including correspondence to show that no adoption had taken place. The documents relied upon by DW1 included the certified copies of the pleadings and orders in the earlier suit, letters and documents written/executed by the deceased defendant



denying adoption, revenue and other records indicating that the deceased defendant filed objections for change of khata in favour of the applicant on the basis of partition, and other contemporaneous documents contradicting the claim of adoption and partition.

7. It was argued on behalf of the applicant that the earlier denial of adoption by the deceased defendant was not voluntary, but made at the instigation of the present plaintiff no. 1, who is none other than the brother of the deceased defendant. It was argued that the plaintiff no.1 has exercised undue influence over the deceased defendant and compelled him to falsely deny the adoption.

8. On behalf of plaintiffs, it was argued, *inter alia* that, impleading the applicant would result in widening the scope of the suit, converting it into a trial on the validity of adoption and title, which is impermissible under Order 1 Rule 10(2) of CPC.

9. The learned trial Court, in its reasons, has discussed the matter in detail and has referred to and relied upon judgments of the Supreme Court regarding various aspects. The judgment in ***Sarguja Transport Service Vs.***



State Transport Appellate Tribunal², was referred to stating that withdrawal of a suit without liberty does not operate as *res judicata* on issues not adjudicated, particularly where substantive rights are involved. It was accordingly held that mere withdrawal of an earlier suit cannot be used to non-suit the applicant at the threshold especially when subsequent admissions by the deceased defendant support her claim. It is evident that the applicant/respondent had instituted the suit seeking relief of declaration that she was the adopted daughter of the defendant, was filed in the year 2009. The registered deed of adoption is admittedly of the year 2021.

10. The trial Court has noted that the applicant had asserted that the suit schedule property was allotted to her share in a partition between herself and the deceased defendant. It noted that, whether such partition is ultimately proved or not, is a matter for trial. The documents produced and pleadings were observed to disclose that the applicant claims an independent and direct interest in the suit property. The court noted that at the stage of consideration of an application under Order 1 Rule 10(2) of CPC, it is not required

² (1987) 1 SCC 5



to conclusively determine the disputed questions of fact, such as validity of adoption and genuineness of documents. The test is that, whether the applicant had raised a bona fide and arguable claim and whether her presence is necessary to avoid incomplete or ineffective adjudication. Accordingly, the court was of the opinion that the applicant is at least a proper party, if not a necessary party to the suit.

11. Given the considerations made by the trial Court, I see no reason to interfere in the impugned order. If the aforesaid application had not been allowed, it would have led to multiplicity of proceedings, that public policy would seek to avoid. Under the facts and circumstances of the case, this petition is dismissed.

12. A copy of this order shall be communicated to the learned trial Court concerned within a fortnight by the Registry.

**Sd/-
(JAYANT BANERJI)
JUDGE**

KGR
List No.: 1 Sl No.: 12