



CNR: KAHC010188502026

NC: 2026:KHC:39855  
WP No. 8752 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 8752 OF 2026 (GM-CPC)**

**BETWEEN:**

SRI. SHREYAS C  
S/O LATE H. CHANDRA REDDY  
AGED ABOUT 36 YEARS  
R/AT. NO. 345, 9<sup>TH</sup> MAIN  
J.P.NAGAR, DOLLORS LAYOUT  
BANGALORE 560 078

...PETITIONER

(BY SRI. VISWANATHA REDDY G.A, ADVOCATE)

**AND:**

1. SMT. SUNANDAMMA  
W/O N. KRISHNA REDDY  
D/O LATE LAKSHMAIAH AND  
SMT. LAKSHMAKKA  
AGED ABOUT 69 YEARS  
R/AT ANJANEYA SWAMY TEMPLE  
SEETHARM PALYA  
MADADEVAPURA POST  
WHITE FIELD ROAD  
BANGALORE-560 048
2. SRI. YELLA REDDY  
S/O LATE LAKSHMAIAH AND  
SMT LAKSHMAKKA  
AGED ABOUT 66 YEARS  
R/AT H.P.ROAD, 2<sup>ND</sup> CROSS



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SINGAIAHNA PALYA  
MAHADEVAPURA POST  
BANGALORE-560 048

3. SMT. PAPAMMA  
W/O LATE KODATHI NAYANA REDDY  
AGED ABOUT 93 YEARS
4. SRI. N. MUNIREDDY  
S/O LATE KODATHI NAYANA REDDY  
AGED ABOUT 88 YEARS
5. SRI. N. SRINIVAS REDDY  
S/O LATE KODATHI NAYANA REDDY  
AGED ABOUT 86 YEARS
6. SRI. N. RAMAREDDY  
S/O LATE KODATHI NAYANA REDDY  
AGED ABOUT 80 YEARS
7. SRI. N. HANUMANTHA REDDY  
S/O LATE KODATHI NAYANA REDDY  
AGED ABOUT 78 YEARS
8. SMT. P. LAKSHMI  
W/O. LATE N. KRISHNA REDDY  
AGED ABOUT 75 YEARS
9. SRI. SUMAN  
S/O LATE N. KRISHNA REDDY  
AGED ABOUT 48 YEARS
10. SMT. SUMITHA  
D/O LATE N. KRISHNA REDDY  
AGED ABOUT 43 YEARS
11. SMT. KANTHAMMA  
W/O LATE N. GOVINDA REDDY  
AGED ABOUT 63 YEARS



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12. SRI. NARAYANA REDDY  
D/O LATE N. GOVINDA REDDY  
AGED ABOUT 63 YEARS
  13. SMT. NANDA  
D/O LATE N. GOVINDA REDDY  
AGED ABOUT 63 YEARS
  14. SRI. N. NANJAREDDY  
S/O LATE KODATHI NAYANA REDDY  
AGED ABOUT 65 YEARS
  15. SMT. JAYAMMA  
D/O LATE KODATHI NAYANA REDDY  
AGED ABOUT 73 YEARS
  16. SMT. INDRAMMA  
D/O LATE KODATHI NAYANA REDDY  
AGED ABOUT 65 YEARS
  17. SMT. PARVATHAMMA  
D/O LATE KODATHI NAYANA REDDY  
AGED ABOUT 63 YEARS
- RESPONDENT NOS.3 TO 17 ARE  
R/AT MYLASANDRA VILLAGE  
BEGUR HOBLI, BANGALORE  
SOUTH TALUK-560 100
- SMT. RATHNAMMA  
D/O LATE MUNITHAYAMMA  
W/O LATE M.C. NARAYAN REDDY  
SINCE DEAD
18. SRI. C.N. SAMPANGIRAM REDDY  
S/O LATE M.C. NARAYANA REDDY  
AGED ABOUT 53 YEARS



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19. SRI. APPAIAH REDDY  
S/O LATE M.C. NARAYANA REDDY  
AGED ABOUT 51 YEARS

20. SMT. YELLAMMA @ PAAPA  
D/O LATE M.C. NARAYANA REDDY  
AGED ABOUT 48 YEARS

RESPONDENT NOS.18 TO 20 ARE  
R/AT CHENNAPURA VILLAGE  
N. YELLAVALI, AVANI HOBLI  
BELLAM POST, MULBAGILU TALUK  
KOLAR DISTRICT-563 103

21. SRI. VENKATESH REDDY  
S/O LATE KRISHNA REDDY  
AGED ABOUT 60 YEARS  
R/AT NO. 35, SHARADA  
15<sup>TH</sup> CROSS, 14<sup>TH</sup> MAIN  
HSR LAYOUT, 4<sup>TH</sup> SECTOR  
BANGALORE-560 034

22. SRI. LOKESH REDDY  
S/O LATE KRISHNA REDDY  
AGED ABOUT 58 YEARS  
R/AT MYLASANDRA VILLAGE  
BEGUR HOBLI  
BANGALORE SOUTH TALUK-560 100

23. SRI. AMARESH REDDY  
S/O LATE KRISHNA REDDY  
AGED ABOUT 56 YEARS  
R/AT DEVARACHIKKANNA HALLI VILLAGE  
BILEKHAHALLI POST, BEGUR HOBLI  
BANGALORE-560 068



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24. SMT. LAKSHMI DEVI  
D/O LATE KRISHNA REDDY  
AGED ABOUT 54 YEARS  
R/AT NO.76, 6<sup>TH</sup> CROSS  
BEGUR ROAD, HONGASANDR VILLAGE  
BEGUR HOBLI, BANGALORE-560 068
- SRI. MUNIREDDY  
S/O LATE MUNITHAYAMMA  
MAJOR  
R/AT DEVARACHIKKANAHALLI VILLAGE  
BILEKAHALLI POST, BEGUR HOBLI  
BANGALORE SOUTH TALUK  
SINCE DIED
25. SMT. M. BHARATHI  
D/O LATE MUNI REDDY  
W/O SRI. RAM REDDY  
AGED ABOUT 58 YEARS  
R/AT NO. 104, VIGNESH APARTMENT  
DC HALLI, MAIN ROAD  
BANGALORE-560 068
26. SMT. M. ARATHI  
D/O LATE MUNI REDDY  
W/O SRI. VENKATESH REDDY  
AGED ABOUT 58 YEARS  
R/AT. NO. 11, 1<sup>ST</sup> CROSS  
NO.22, NARASIMHAIAH LAYOUT  
RMV 2<sup>ND</sup> STAGE, LOTTE GOLLAHALLI  
BANGALORE-560 094
27. SRI. ANIL KUMAR  
S/O LATE MUNI REDDY  
AGED ABOUT 51 YEARS  
R/AT. NO. 35, 4<sup>TH</sup> MAIN  
JAI BHEEMA NAGAR  
MADIWALA, BTM 1<sup>ST</sup> STAGE  
BANGALORE-560 068



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- 28. SRI. M. RAMESH REDDY  
S/O N. MUNI REDDY  
AGED ABOUT 57 YEARS
- 29. KUMARI. R. KALPASHRI  
D/O RAMESH REDDY  
AGED ABOUT 33 YEARS
- 30. SRI. MANISH REDDY  
S/O RAMESH REDDY  
AGED ABOUT 28 YEARS
- 31. SRI. NARAYANASWAMY REDDY  
S/O MUNI REDDY  
AGED ABOUT 48 YEARS
- 32. SRI. N. ROHAN  
S/O NARAYANASWAMY REDDY  
AGED ABOUT 20 YEARS

RESPONDENT NOS.28 TO 32 ARE  
R/AT MYLASANDRA VILLAGE  
BEGUR HOBLI  
BANGALORE SOUTH TALUK

SRI. CHANDRA REDDY  
SINCE DEAD

- 33. SRI. C. BREJESH REDDY  
S/O LATE CHANDRA REDDY  
AGED ABOUT 58 YEARS
- 34. SRI. C. AJAY KUMAR  
S/O LATE CHANDRA REDDY  
AGED ABOUT 58 YEARS
- 35. SMT. PAVITHRA  
D/O LATE CHANDRA REDDY  
AGED ABOUT 54 YEARS



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36. SMT. SHOBA  
W/O LATE CHANDRA REDDY  
AGED ABOUT 54 YEARS

RESPONDENT NOS. 33 TO 36 ARE  
R/AT. NO. 345, 9<sup>TH</sup> CROSS  
DOLLARS COLONY J.P.NAGAR  
BANGALORE-560 078

...RESPONDENTS

(BY SMT. ANUPAMA M.V ADVOCATE FOR R1 TO R2;  
R20, R21, R26, R27 AND R34 ARE SERVED;  
NOTICE TO R3 TO R36 ARE DISPENSED  
WITH VIDE ORDER DATED 25.06.2026)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO  
QUASH THE ORDER DTD 12.01.2026 PASSED BY THE COURT  
OF THE SECOND ADDL. SENIOR CIVIL JUDGE, BANGALORE  
RURAL DISTRICT VIDE ANNEX-A BANGALORE IN O.S NO.  
854/2013 TO IMPEADING HIM AS A PARTY TO THE SUIT ON  
IA NO. 3.

THIS WRIT PETITION HAVING BEEN HEARD AND  
RESERVED ON 25.06.2026, COMING ON FOR  
PRONOUNCEMENT OF ORDER THIS DAY, THE COURT  
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

**CAV ORDER**

Aggrieved by the order passed on I.A.No.3/2025 in  
O.S.No.854/2013 dated 12.01.2026 by II Addl. Senior Civil  
Judge, Bengaluru Rural District, Bengaluru.



2. The facts of the case are that respondent Nos.1 and 2 filed the suit in O.S.No.854/2013, on the file of the II Addl. Senior Civil Judge, Bengaluru Rural District, Bengaluru, seeking reliefs of partition and other reliefs. On 01.09.2025, during the pendency of the suit, the petitioner filed an application under Order 1 Rule 10(2) of the CPC to implead the proposed defendant No. 29 as a proper and necessary party, and the trial court, by the impugned order, dismissed the application.

3. While dismissing the application the trial Court has observed that it is pertinent to note that the plaintiffs have filed the suit for the relief of partition and separate possession. During the stage of further cross-examination of DW.3, the applicant had filed the instant application. It is important to note that the applicant is not a family member of the plaintiff or defendant Nos.1 to 26. The applicant happens to be the donee under the Gift deed executed by defendant No.27. Since the suit is for partition and separate possession, and the suit is at the stage for further cross-examination of DW.3 and as the suit is at the verge of disposal, the trial Court is of the opinion that the plaintiffs have to establish the right over the suit schedule



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property. In a suit for partition, the essential requirements are that all the properties of the joint family have to be included and all the family members have to be included. In the instant suit, the applicant herein is not a family member. Under these circumstances, in the absence of the present applicant, an effective adjudication of the case can be made. If the plaintiffs succeed in the suit, then in the FDP proceedings the applicant can be added, and their equities can be worked therein. Therefore, the trial Court is of the opinion that the presence of the applicant is not at all required for effective adjudication of the case on merits and accordingly, the trial Court had dismissed the I.A.

4. Learned counsel appearing on behalf of the petitioners submits that the properties Sy.No.90/1 and Sy.No.90/4, belonged to defendant Nos.27 and 28. They executed a registered Gift Deed in respect of the said properties in favour of the petitioner dated 01.04.2013. The applicant, being the donee under the Gift Deed, made an application to be impleaded as a party to the suit. The trial Court failed to consider that he is a proper and necessary party



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to participate in the proceedings and rejected I.A.No.3 without considering that the property in question is also the subject matter of the suit. It is further submitted that defendant Nos.27 and 28, who acquired land measuring 1 acre 32 guntas in Sy.No.90/1 and 23 guntas in Sy.No.90/4 of Mylasandra Village, executed the Gift Deed in favour of the petitioner in the year 2013. During the pendency of the suit, the petitioner filed an application to be impleaded as a party to the suit. The trial Court, instead of considering that he is also a necessary party in the suit, reached the wrong conclusion and dismissed the application. It is submitted that all questions, including whether the property is joint family property or not, have to be decided during the course of the trial. It is submitted that the trial Court's observation that his right is to be included in the FDP proceedings is bad in law and needs to be set aside, and the petitioner shall be impleaded as a party to the suit; otherwise, it will cause a lot of hardship to him.

5. Respondent Nos.1 and 2 are represented by an Advocate. Respondent Nos.20, 21, 26, 27 and 34 are served,



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but there is no representation. Notice to respondent Nos.3 to 36 is dispensed with vide order dated 25.06.2026.

6. Learned counsel appearing on behalf of respondent Nos.1 and 2 submits that in the suit for partition, where the rights of the members of the family have to be decided, the trial Court has rightly considered all these aspects and has not completely shut the doors to the impleadment of the applicant and has observed that his rights can be adjudicated during the execution proceedings. He further submits that the trial Court was right in dismissing the application, and that the application was filed only to drag on the proceedings.

7. In the light of the submissions made on behalf of the parties and the order passed by the trial Court, the issue that falls for consideration is:

***"Whether the trial Court was justified in rejecting the application filed under Order I Rule 10(2) CPC solely on the ground that the applicant sought impleadment in the final decree proceedings?"***



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8. Order I Rule 10 CPC confers upon the Court a discretion to add any person as a party whose presence before the Court is necessary or proper for an effective and complete adjudication of the questions involved in the dispute. The exercise of such discretion must be founded on well-recognised judicial principles and not on extraneous or irrelevant considerations. The Hon'ble Apex Court in the case of **Amit Kumar Shaw Vs. Farida Khatoon**<sup>1</sup> held that a transferee pendente lite is a representative in the interest of the transferor. Though not a necessary party in every case, the transferee may be impleaded as a proper party, and his presence may be facilitated for complete and effective adjudication. In the case of **Thomson Press (India) Ltd. Vs. Nanak Builders and Investors Pvt. Ltd.**<sup>2</sup>, the Hon'ble Apex Court reiterated the question of impleadment and held that the pendente lite purchaser can be impleaded by applying the principles underlying Order I Rule 10 of CPC and that such discretion has to be exercised judiciously.

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<sup>1</sup> (2005) 11 SCC 403

<sup>2</sup> (2013) 5 SCC 397



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9. A perusal of the impugned order shows that the learned Judge has not adverted to the nature of the petitioner's interest, the character of this transfer, or the necessity or propriety of the petitioner's presence for effective adjudication. None of the parameters governing Order I Rule 10 CPC has been appreciated by the trial Court. The sole reason assigned for dismissal of the application is that the petitioner seeks his impleadment in the final decree proceedings. In the considered opinion of this Court, such an order cannot be sustained. The availability of an opportunity to seek impleadment at subsequent stages of the proceedings cannot, by itself, constitute a valid ground to refuse consideration of an application otherwise maintainable under Order I Rule 10 CPC. The jurisdiction vested in the Court cannot be declined merely by relegating the applicant to a later stage without first determining whether the applicant is entitled to be impleaded in the pending suit.

10. There is no dispute that the partition suit continues until the passing of the final decree, and in an appropriate case the interest of the transferee may also be protected in the final



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decree proceedings. However, such circumstances do not deter the trial Court from exercising the discretion vested in it under Order I Rule 10 of CPC. The trial Court has to decide the application on its own merits. A blanket rejection solely on the premise of the applicant's impleadment in the final decree proceedings amounts to a failure to exercise the jurisdiction vested in it by the Court. Hence, the impugned order needs to be set aside, and the issue is answered in favour of the petitioner. In that view of the matter, this Court is passing the following:

### **ORDER**

- i. The order dated 12.01.2026 passed in I.A.No.3 in O.S.No.854/2013 by II Addl. Senior Civil Judge, Bengaluru Rural District, Bengaluru is ***set aside***, and the matter is ***remanded back*** to the trial Court.
- ii. The trial Court shall consider the application filed by the petitioner on its merits and pass appropriate orders within a period of four



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weeks from the date of receipt of the copy of  
the order.

- iii. Accordingly, writ petition is ***allowed.***
- iv. All I.As. in this petition shall stand closed.

**SD/-**  
**(LALITHA KANNEGANTI)**  
**JUDGE**

PKN  
List No.: 1 Sl No.: 2