



CNR: KAHC010193272026

NC: 2026:KHC:42465
WP No. 8903 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 8903 OF 2026 (GM-CPC)

BETWEEN:

1. SRI.C. CHANDRASHEKARA,
S/O LATE C.N.CHAKRAPANI,
AGED ABOUT 70 YEARS,
R/AT NO.17, SUPRABHATA,
ANJANAPPA LAYOUT,
HORAMAVU ROAD CROSS,
KALYANA NAGAR POST,
BENGALURU - 560 043.
2. SRI. C. JANARDHANE,
S/O LATE C.N.CHAKRAPANI,
AGED ABOUT 60 YEARS,
R/AT NA.565, 9TH MAIN CROSS,
ATTUR LAYOUT, YALAHANKA,
BENGALURU - 560 064.

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. KESHA RAO MOHITH V.,ADVOCATE)

AND:

1. SRI.C.N.RAMESH,
S/O LATE C.N.NAGESH,
AGED ABOUT 62 YEARS,
R/AT NO.185/4, 3RD MAIN,
WEAVERS COLONY,



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GANGANAGAR,
BENGALURU - 560 032.

ALSO AT GEETHA GOVINDA,
10TH CROSS, T.P.KAILASAM ROAD,
NEAR WATER TANK,
SAPTHAGIRI EXTENSION,
SOMESHWARAPURAM,
TUMAKURU - 572 102.

2. SRI.C.G.DHANANJAYA,
S/O LATE C.T.GOPINATH,
AGED ABOUT 58 YEARS,
R/AT RAGHAVENDRA NILAYA,
OPP. TUMKUR UNIVERSITY,
ASHOK NAGAR,
TUMAKURU - 572 102.
3. SRI.C.V.NAGARAJ,
S/O LATE C.N. VENKATARAMANA MURTHY,
AGED ABOUT 69 YEARS,
R/AT NO.180, 4TH CROSS,
WEAVERS COLONY, GANGANAGAR,
BENGALURU - 560 032.

SMT.B.G.PARVATHAMMA,
W/O LATE C.N.VENKATARAMANA MURTHY,
(EXPIRED ON 13.10.2018 AND
3RD RESPONDENT BEING THE
SON AND BENEFICIARY UNDER
THE WILL IS DULY REPRESENTED)
SINCE DEAD BY HER
LRS RESPONDENT NO.3



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4. SRI. D.A. LAKSHMISH,
S/O LATE. D.R. ASHWATHNARAYAN,
HINDU,
AGED ABOUT 42 YEARS,
NO.248, AMRUTHAVARSHINI,
KHARKANEPET, WARD NO.25,
CHICKBALLAPUR CITY.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS IN FDP NO.19/2024 ON THE FILE OF PRINCIPAL SENIOR CIVIL JUDGE AND CJM CHIKKABALLAPUR, AND ISSUE A WRIT IN THE NATURE OF CERTIORARI, QUASHING THE ORDERS DATED 05/02/2026 PASSED ON IA NO.1 IN FDP NO. 19/2024 BY THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM CHIKKABALLAPUR, PRODUCED AT ANNEX-G AND SET ASIDE THE ORDER AND GRANT SUCH OTHER RELIEFS AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed, aggrieved by the order dated 05.02.2026 passed in I.A.No.1 in FDP No.19/2024 by the Principal Senior Civil Judge and CJM, Chikkaballapur. By the order impugned, the Trial Court allowed the application filed by the applicant under Order I Rule 10(2) read with Section 151 of the CPC.



2. The Trial Court has observed that O.S.No.461/2009 was filed in respect of the decree-schedule property, and the same is not disputed by the petitioner. Further, the decree passed in O.S.No.461/2009 has not been challenged and remains intact. It is further observed that, as per the contention of the applicant, the dispute in the said suit is with regard to the measurement of the suit property, and that the applicant's father is also one of the parties to the said suit and had contested the same.

3. When such being the case, the presence of the applicant is very much required, and his rights in the suit properties have to be considered. If the application is not allowed, it would definitely lead to multiplicity of proceedings. On the other hand, if the application is allowed, no harm or injury would be caused to the petitioners. Further, if the applicant is impleaded, the proceedings can be adjudicated effectively. Therefore, the Trial Court was of the view that the application deserves to be allowed and, accordingly, allowed the application.



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4. Learned counsel appearing for the petitioners submits that the impleaded applicant does not belong to the branch of the petitioners. In fact, the grandfather of the impleaded applicant and the grandfather of the petitioners had divided the properties long back, in the year 1932. Basing on the property that fell to his share, the grandfather of the petitioners executed a document. In that regard, the present suit was filed, and the suit came to be decreed. It is submitted that the impleaded applicant is not a necessary party to the FDP proceedings. The contentions raised by the petitioners have not been properly considered. Hence, the order impugned needs to be set aside.

5. Having heard the learned counsel for the petitioners and perused the material on record, it is evident that earlier, O.S. No. 461/2009 was filed seeking a declaration and a mandatory injunction. The suit schedule properties in the said suit and in the present proceedings are one and the same. The plaintiffs therein are the members of the petitioners' branch, and the father of the impleaded applicant is also one of the plaintiffs.



6. The judgment and decree passed in the said suit have attained finality, as the same has not been questioned. The Trial Court has rightly come to the conclusion that the presence of the impleaded applicant is necessary to decide the dispute and that, if he is not impleaded, it would lead to multiplicity of proceedings. In the considered opinion of this Court, there is no illegality in the order impugned.

7. In view of the above discussions, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. Pending IAs, if any, shall stand closed.

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