



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 9856 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. FAHMIDA BEGUM
W/O LATE ANWAR KHAN
AGED ABOUT 63 YEARS
2. SMT. ARSHIYA KHANUM
D/O LATE ANWAR KHAN
AGED ABOUT 43 YEARS
3. SMT. NAZIYA KHANUM
D/O LATE ANWAR KHAN
AGED ABOUT 41 YEARS
4. SMT. RAFIYA KHANUM
D/O LATE ANWAR KHAN
AGED ABOUT 39 YEARS
5. SRI.IMRAN KHAN
S/O LATE ANWAR KHAN
AGED ABOUT 37 YEARS,

ALL ARE R/AT MUGABALA VILLAGE,
JADEGENAHALLI HOBLI, HOSAKOTE TALUK,
BANGALORE RURAL DISTRICT - 562 114.

...PETITIONERS

(BY SRI. PURUSHOTHAM G., ADVOCATE)



AND:

SRI. G.M. KRISHNAPPA
SINCE DECEASED BY HIS LEGAL HEIRS

1. SRI. MANJULA,
S/O.LATE G.M.KRISHNAPPA,
AGED ABOUT 52 YEARS,
2. SRI.SANDEEP.K
S/O. LATE G.M.KRISHNAPPA,
AGED ABOUT 32 YEARS,

RESPONDENTS NO.1 AND 2 ARE
RESIDING AT MUGABALA VILLAGE,
JADIGENAHALLI HOBLI, HOSKOTE TALUK,
BENGALURU RURAL DISTRICT - 562 114

3. AZAZ BAIG
S/O LATE NASSIR BAIG
AGED ABOUT 60 YEARS
4. SMT NASREEM TAJ
D/O LATE NASSIR BAIG
AGED ABOUT 44 YEARS
5. SMT MUKUM JAN
W/O LATE NASSIR BAIG
AGED ABOUT 76 YEARS

RESPONDENTS NO.3 TO 5 ARE R/AT
MUGABALA VILLAGE
JADEGENAHALLI HOBLI, HOSAKOTE TLAUK
BANGALORE RURAL DISTRICT - 562 114

...RESPONDENTS

(BY SRI. A.G. NAGARAJA, ADVOCATE FOR C/R3 TO R5

(C.P.NO.2681/2026))



THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEX-A THE IMPUGNED ORDER DTD. 16.12.2025 PASSED ON I.A.NO.02 FILED UNDER ORDER 1 RULE 10(2) R/W UNDER SECTION 15 OF CPC IN OS NO. 2764/2022 (OLD NO. 1266/2020) PASSED BY THE HONBLE SENIOR CIVIL JUDGE AND JMFC, HOSKOTE AND CONSEQUENTLY ALLOW THE APPLICATION AS ANNEX-D FILED UNDER ORDER 1 RULE 10(2) R/W UNDER SECTION 15 OF CPC BY THE PETITIONERS BY ISSUE OF WRIT CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION.

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 on IA No.2 passed in O.S.No.2764/2022 (old O.S.No.1266/2020) dated 16.12.2025 by the Senior Civil Judge and JMFC, Hosakote. The petitioners, who are the impleading applicants in the suit, are before this Court.

2. Respondent Nos.1 and 2 herein have filed a suit seeking the reliefs of declaration and permanent injunction.



In the said suit, the petitioners herein have filed an application under Order I Rule 10 (2) of the CPC seeking to implead themselves as defendants in the suit. It is a specific case that the property belongs to the father of the impleading applicants and they are in possession of the property. It is further contended that the father of the plaintiffs' vendor had earlier instituted a suit for declaration against the father of the impleading applicants, which came to be dismissed. According to the impleading applicants, their father is the absolute owner of the suit schedule property, and they are in possession of the property. It is also contended that the Panchayat records stand mutated in the name of their father. Therefore, they contend that they are proper and necessary parties to the present suit.

3. The plaintiffs have not filed their objections. Respondent Nos.3 to 5 have filed their statement of objections stating that the property which plaintiffs are claiming and the property which the impleading applicants are claiming are not one and the same; as such, they are not proper and necessary parties to the suit, and there is no Panchayat Khata standing in the name of the petitioners.



4. The Trial Court, by the impugned order, dismissed IA No.2, observing that the plaintiffs have sought the relief of declaration in respect of the property bearing Sy. No.76, Property No.98/52, measuring 100 x 80 feet. The Trial Court further observed that, as per the assessment extract, the suit property stands in the name of the vendor of the plaintiffs. On a perusal of the records available, it found that the property claimed by the impleading applicants is entirely different from the suit schedule property. The Trial Court further observed that the plaintiffs have sought the relief of declaration against the defendants based on the sale deed dated 26.06.2019, alleging that the defendants caused obstruction to their peaceful possession of the suit property on 01.11.2020. Therefore, as there is a specific relief or cause of action, the applicants have not made out any grounds to prove that they are the proper and necessary parties to the suit. The Trial Court also observed that the applicants had not produced any material documents. Based on this, the Trial Court has dismissed IA No.2.



5. Learned counsel appearing for the petitioners submits that the plaintiffs have not filed their statement of objections and they have no objection to implead the petitioners as parties to the suit. It is further submitted that the Trial Court has failed to consider that the earlier suit for declaration instituted by the father of the plaintiffs' vendor against the father of the impleading applicants had been dismissed. It is submitted that the Trial Court has failed to discuss the earlier judgment and decree and, without any basis, has dismissed IA No.2.

6. Learned counsel appearing for defendant Nos.1 to 3, who are respondent Nos.3 to 5 herein, submits that just because the plaintiffs have not filed their statement of objections, that itself cannot be a ground for the Trial Court to implead the petitioners herein as parties to the suit. It is contended that the petitioners have no nexus with the dispute between the parties and also the fact that no material is placed before the Court. Learned counsel further submits that the survey numbers claimed by the petitioners are not one and the same and no cogent material is placed before the Court. It is



also contended that the affidavit filed in support of the impleading application does not disclose how the petitioners are proper and necessary parties to the suit. Hence, it is submitted that the Trial Court has rightly dismissed the application and that no interference is called for

7. Having heard the learned counsel on either side, perused the material on record. The suit is for declaration and permanent injunction instituted by the plaintiffs against the defendants. The plaintiffs have filed the suit, and they have no objection to the defendants being impleaded in the suit. According to the impleading applicants, they are in possession of the property and in support of their claim, they have relied upon an earlier judgment and decree passed in the suit against the plaintiff's vendor himself. If the petitioners are impleaded in this suit, as the petitioners are setting up their own title, which is against the plaintiffs' case, and the plaintiffs have no objections to implead them as parties to the suit the petitioners can be impleaded as defendants to the suit.

8. That apart, considering the earlier judgment and decree, if the petitioners are impleaded in this suit, the Trial



Court will be able to effectively adjudicate the dispute with regard to the declaration of title, and there would be a quietus to the litigation. In the light of the fact that the defendants have no objections, this would put an end to the multiplicity of proceedings. This Court is of the view that the Trial Court ought to have allowed the application that is filed under Order I Rule 10(2) of the CPC.

9. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***allowed*** by ***setting aside*** the order on IA No.2 passed in O.S.No.2764/2022 (old O.S.No.1266/2020) dated 16.12.2025 by the Senior Civil Judge and JMFC, Hosakote. Consequently, I.A.No.2 stands ***allowed***.
- ii. It is made clear that any observations made by this Court while disposing of the present writ petition shall not be construed as an expression of this Court and the Trial Court has to deal with the case on the merits of the matter.



- iii. Pending IAs, if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 Sl No.: 5