



CNR: KAHC010386192022

NC: 2026:KHC:43164
W.P. No.17056/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 13TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.17056/2022 (GM-CPC)

BETWEEN:

SRI. D.S. MAHESH
S/O LATE D.R. SUBBANNA
AGED ABOUT 48 YEARS
R/O JAYANAGAR 2ND STAGE
HASSAN CITY 573202.

...PETITIONER

(BY SRI. VIGHNESHWAR S. SHASTRI, SR. COUNSEL FOR
SRI. GURURAJ R. ADV.,)

AND:

1. SMT. VIJAYALAKSHMI
W/O LATE G.T. RANGASHETTY
AGED ABOUT 70 YEARS
R/AT HALESANTHAVERI
2ND CROSS
C/O SUKANYA MANJUNATH
SAKALESH PURA TOWN
HASSAN DISTRICT 573123.
2. SMT. MOHANAKUMARI
W/O SUDARSHANA
D/O LATE G.T. RANGASHETTY
AGED ABOUT 49 YEARS
R/AT MODERN SWITCH WEAR
CHOWDESHWARI PRASANNA
HIRISAVE, CHANNAPATTANNA TALUK
HASSAN DISTRICT 573116.

Digitally signed
by RUPA V
Location:
HIGH COURT
OF
KARNATAKA



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3. SMT. KOMALA
W/O D.S. SUDEEP KUMAR
D/O LATE G.T RANGASHEETY
AGED ABUT 40 YEARS
R/AT DOOR NO.60
MAHABALESHWARA BLOCK
SOMAVARAPETE TALUK
KODAGU DISTRICT-571236.
4. SMT. RADHA
W/O R. MAHESH
D/O LATE G.T. RANGASHETTY
AGED ABOUT 43 YEARS
R/AT DOOR NO.2, 8TH A CROSS
GANESH TEMPLE ROAD
CHOLURU PALYA
BENGALURU 560023.
5. SMT. SUKANYA
W/O R. MAHESH
D/O LATE G.T. RANGASHETTY
AGED ABOUT 33 YEARS
R/AT HALE SANTAVERI
2ND CROSS, SAKALESHPURA
HASSAN DISTRICT 573123.
6. SRI. DEEPAK @ DEVANAND
S/O LATE G.T. RANGASHETTY
AGED ABOUT 36 YEARS
R/AT GANESHA KRUPA
VIVEKANAGAR SATHYAMANGALA LAYOUT
KASABA HOBLI, HASSAN TALUK
HASSAN DISTRICT 573201.
7. SMT. CHANDRAKALA
W/O GOPALAKRISHNA
D/O LATE G.T. RANGASHETTY
AGED ABOUT 47 YEARS
R/AT NO.7/22, SINKVIYAR SWEET
GOES PORET, M.S.W 2250



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AUSTRALIA.

8. SMT. PREMAMMA
W/O LATE G.T RANGASHETTY
AGED ABOUT 80 YEARS
R/AT GANESHA KRUPA
VIVEKANAGAR
SATHYAMANGALA EXTENSION
HASSAN TALUK
HASSAN DISTRICT 573201.

...RESPONDENTS

(BY SRI. NAGARAJ D, ADV., FOR R1 TO R5 & R7
SRI. MANU D. GOWDA, ADV., FOR
SRI. NARAYAN M. NAIK, ADV., FOR R6 & R8)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DTD 12.11.2021 PASSED ON IA NO.10 IN O.S.NO.102/2007 ON THE FILE OF ADDITIONAL SENIOR CIVIL JUDGE, HASSAN VIDE ANNEX-L. QUASH THE ORDER DTD 16.07.2022 PASSED IN O.S.NO.102/2007 ON THE FILE OF ADDITIONAL SENIOR CIVIL JUDGE, HASSAN VIDE ANNEX-N & ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This petition is filed seeking the following reliefs:

"i) *Issue writ of certiorari or any other appropriate writ, order quashing the order dated 12.11.2021 passed on IA.No.10 in O.S.No.102/2007 on the file of Additional Senior Civil Judge, Hassan as per Annexure - L.*



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ii) Issue writ of certiorari or any other appropriate writ, order quashing the order dated 16.07.2022 passed in O.S.No.102/2007 on the file of Additional Senior Civil Judge, Hassan as per Annexure-N.

iii) Issue any other appropriate writ order or direction to meet the ends of justice."

2. Sri.Vigneshwar S. Shastri, learned Senior Counsel appearing for Sri.Gururaj R., learned counsel for the petitioner submits that respondent Nos.1 to 5 filed a suit for partition against respondent Nos.6 to 8. In the said suit, the petitioner, being an agreement holder, filed an application seeking his impleadment, which came to be rejected by the trial Court on 12.11.2021. Thereafter, in order to defeat the rights of the petitioner/agreement holder, the plaintiffs and defendants filed a compromise petition under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (for short 'CPC'), which came to be accepted by the trial Court without noticing that there is an agreement of sale in favour of the petitioner and that the petitioner has already filed a suit in OS.No.15/2019



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seeking enforcement of the said agreement of sale. Hence, he seeks to allow the petition.

3. Per contra, Sri.Nagaraj D., learned counsel for respondent Nos.1 to 5 and 7 and Sri.Manu D. Gowda, learned counsel appearing for Sri.Narayan M. Naik, learned counsel for respondent Nos.6 and 8 support the orders of the trial Court and submit that, insofar as the order of the trial Court accepting the compromise petition is concerned, the same cannot be challenged by way of a writ petition and that the same is required to be challenged before the same Court under Order XXIII Rule 3A of the CPC. Hence, the second prayer in the writ petition is liable to be rejected. It is submitted that, insofar as the application for impleadment is concerned, the suit is one for partition and separate possession, and the petitioner, claiming to be an agreement holder under defendant Nos.1 and 3, is neither a necessary nor a proper party to the suit for partition. Hence, they seek to dismiss the petition.



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4. I have heard the arguments of the learned Senior Counsel for the petitioner, the learned counsel representing the respondents and meticulously perused the material available on record.

5. Respondent Nos.1 to 5 filed OS.No.102/2007 seeking the relief of partition and separate possession over the suit schedule property. In the said suit, the plaintiffs and defendants filed a compromise petition under Order XXIII Rule 3 of the CPC. It is to be noticed that the petitioner herein had filed an application in IA.No.10 under Order I Rule 10(2) and under Order XXII Rule 10 read with Section 151 of the CPC, seeking his impleadment in the suit. The said application was rejected by the trial Court vide order dated 12.11.2021 by recording the reason that the suit is one for partition and separate possession and that the petitioner/impleading applicant claiming rights under an agreement of sale dated 12.01.2016 stated to have been executed by defendant Nos.1 and 3, was



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neither a necessary nor a proper party to the suit for partition between the family members. I do not find any error in the said finding calling for interference.

6. Insofar as the challenge to the order dated 16.07.2022 passed by the trial Court at Annexure-N is concerned, it is to be noticed that the trial Court has accepted the compromise petition filed by the plaintiffs and defendants under Order XXIII Rule 3 of the CPC and decreed the suit in terms of the compromise petition. In my considered view, the said decree cannot be challenged by way of a writ petition. It is open for the petitioner to challenge the same under Order XXIII Rule 3A of the CPC in accordance with law.

7. It is to be observed that the petitioner has already filed a suit in OS.No.15/2019 seeking enforcement of the agreement of sale dated 12.01.2016 and he can do the same independently, and the trial Court is bound to consider the same in accordance with law, by considering



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later events of compromise between the parties. With the
aforesaid observations, the writ petition is devoid of merits
and the same is ***rejected***.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 28