



CNR: KAHC010411762018

NC: 2026:KHC:48988
WP No. 22937 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 22937 OF 2018 (GM-CPC)

BETWEEN:

1. SMT. BHAGYAMMA
W/O NARAYANASWAMY
D/O LATE MARAPPA
AGED ABOUT 46 YEARS
R/AT MADHANAYAKANAHALLI VILLAGE
DASANAPURA HOBLI
BENGALURU NORTH TALUK
BENGALURU-562162.

...PETITIONER

(BY SRI. CHOKKAREDDY, ADVOCATE)

AND:

1. T. M. GANGAHANUMANTHAIAH
S/O LATE MARAPPA
AGED ABOUT 70 YEARS
2. SMT GOWRAMMA
W/O LATE NAGARAJU
AGED ABOUT 60 YEARS
3. SMT. MANJULA
D/O LATE NAGARAJU
AGED ABOUT 35 YEARS
4. SMT.MAROOTH
D/O LATE NAGARAJU
AGED ABOUT 33 YEARS

Digitally signed by
NAGARAJA B M
Location: HIGH
COURT OF
KARNATAKA



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5. SWETHA
D/O LATE NAGARAJU
AGED ABOUT 31 YEARS
6. REKHA
D/O LATE NAGARAJU
AGED ABOUT 29 YEARS
7. SRI HANUMANTHARAYAPPA
S/O LATE MARAPPA
AGED ABOUT 65 YEARS
8. SMT. MANJULA
W/O LATE JAGADISH
AGED ABOUT 50 YEARS
9. SRI KISHORE
S/O LATE JAGADISH
AGED ABOUT 26 YEARS
10. SMT RAGINI
D/O LATE JAGADISH
AGED ABOUT 24 YEARS
11. SMT JAYAMMA
W/O BYRAHANUMAIAH
D/O LATE MARAPPA
AGED ABOUT 65 YEARS

ALL ARE RESIDING AT
THIPPENAHALLI VILLAGE
NAGASANDRA POST
YESHWANTHAPURA HOBLI
BENGALURU NORTH TALUK
BENGALURU-560073.

CHIKKAMMA
DIED LEAVING BEHIND THE LRS
WHO ARE PETITIONER AND



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RESPONDENTS NO.1 -11
ARE ALREADY ON RECORD

12. SMT SHOBHA
W/O LATE SHIVANNA,
AGED ABOUT 48 YEARS
13. BHARATH
S/O LATE SHIVANNA,
AGED ABOUT 22 YEARS
14. C. CHAITRA
D/O LATE SHIVANNA
AGED ABOUT 20 YEARS

R12 TO R14 ARE
CHANNANAYAKANAPALYA VILLAGE,
NAGASANDRA POST,
BANGALORE NORTH TALUK,
BENGALURU-560073.

...RESPONDENTS

(BY SRI. KESHAHA MURTHY .B, ADVOCATE FOR R12 AND R13;
V/O DATED 06.08.2025, NOTICE TO R2 TO R14 IS
DISPENSED WITH)

THIS WP FILED IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED
ORDER DATED 23.01.2018 PASSED BY THE 4TH ADDITIONAL
SENIOR CIVIL JDUGE, BENGALURU RURAL DISTRICT IN
O.S.NO.565/1997 AS PER ANNEXURE-A AND CONSEQUENTLY
ALLOW THE APPLICATIONS.

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



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CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The present petition is filed by defendant No.5, who is admittedly the sister of the plaintiff, calling in question the order passed by the learned Trial Judge rejecting her application filed under Section 151 of the Code of Civil Procedure, 1908, seeking leave to file her written statement.

2. The learned Trial Judge has rejected the said application primarily on the ground that the present petitioner had already adopted the written statement filed by the co-defendants and that the application was filed belatedly, when the suit had been set down for arguments. The learned Trial Judge has further observed that the application was filed only with an intention to protract the proceedings and, therefore, did not warrant consideration at that stage.



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3. On a pointed query made by this Court to both the learned counsel as to whether the Trial Court has proceeded to pronounce judgment in the suit, learned counsel, on instructions, submit that the suit is still pending and no judgment has been pronounced, notwithstanding the fact that no interim order has been granted by this Court.

4. Learned counsel appearing for the petitioner submits that the present petitioner-defendant No.5 has independently instituted a suit in O.S.No.565/1997, which is also pending consideration before the very same Court. It is submitted that the said suit, being a suit for partition instituted by the present petitioner, has been stayed on account of the pendency of the present suit. It is, therefore, contended that the petitioner ought not to be left remediless merely because she had adopted the written statement filed by the co-defendants in the present suit.



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5. This Court is not inclined to interfere with the impugned order at this stage. The suit is of the year 1997 and has already reached the stage of arguments. Permitting the petitioner to file a written statement at this belated stage would necessarily result in reopening the proceedings and would further delay the adjudication of the long-pending suit. No ground is made out for exercising the extraordinary jurisdiction of this Court to permit the petitioner to reopen the proceedings at this stage.

6. At the same time, the dismissal of the present petition shall not operate to prejudice or extinguish any independent right or claim that the petitioner may have in respect of the suit schedule properties. The fact that the petitioner has adopted the written statement filed by the co-defendants in the present suit, or that her application seeking leave to file a separate written statement has been rejected at this belated stage, cannot, by itself, be



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construed as an adjudication upon her independent right, title or share in the suit properties.

7. It is also brought to the notice of this Court that the petitioner has instituted O.S.No.565/1997, which is stated to be pending before the same Court. In the event the said suit is still pending, the petitioner is at liberty to move an appropriate application before the learned Trial Court seeking clubbing/consolidation of O.S.No.565/1997 with the present suit, or seeking appropriate orders so that both the suits are considered and adjudicated in a manner that avoids conflicting findings or inconsistent judgments. If the learned Trial Court is satisfied that the subject matter and issues involved in the two suits warrant their joint consideration, the same shall be considered in accordance with law and without being influenced by the dismissal of the present petition.

8. It is further made clear that, if the two suits are not clubbed or if the petitioner's independent suit is



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otherwise required to be proceeded with separately, the petitioner shall be at liberty to pursue the said suit in accordance with law and seek determination of her independent right and share in the suit properties. If necessary, the petitioner shall also be at liberty to work out such remedy as may be available to her in the Final Decree Proceedings, including payment of the requisite Court Fee and seeking determination and allotment of her lawful share, subject to all questions being considered in accordance with law.

9. The observations made herein are confined to the challenge raised in the present petition and shall not be construed as an expression of opinion on the merits of the petitioner's independent claim in O.S.No.565/1997 or on the rights and shares of the parties in the suit properties. All such questions are left open to be considered by the competent Court in accordance with law.



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For the foregoing reasons, no interference is warranted with the impugned order.

The petition is, accordingly, ***dismissed.***

Sd/-
(**SACHIN SHANKAR MAGADUM**)
JUDGE