



CNR: KAHC010417902026

NC: 2026:KHC:36898
WP No. 19162 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.19162 OF 2026 (GM-CPC)

BETWEEN:

SAMPATH
SINCE DECEASED BY HIS LR's

1. SMT. RAJAKUMARI,
W/O LATE SAMPATH,
AGED ABOUT 55 YEARS,
2. SRI. SATHYA RAJ,
S/O CHANDRAPPA,
LATE SAMPATH,
AGED ABOUT 42 YEARS,

BOTH ARE RESIDING AT:
NO.13, 7TH 'B' CROSS, GARDEN VILLAS,
BHYRAVESHWARA NAGAR,
NAGARABHAVI,
BANGALORE - 560 072

...PETITIONERS

(BY SRI. RAMA MOHAN M, ADVOCATE)

AND:

1. SRI. JAYARAM
S/O MOTAIAH ACHARI,
AGED ABOUT 69 YEARS,
2. SMT. USHA,
W/O JAYARAM,
AGED ABOUT 61 YEARS,
BOTH ARE RESIDING AT:



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NO.67, 9TH 'B' MAIN,
BHYRAVESHWARANAGARA,
NAGARABHAVI,
BANGALORE - 560 072

3. SRI. N. BASAVARAJU,
S/O LATE NANJE GOWDA,
AGED ABOUT 64 YEARS,
4. SMT. M. BHAGYA,
W/O N. BASAVARAJU,
AGED ABOUT 53 YEARS,

BOTH ARE RESIDING AT:
NO.819, 7TH CROSS,
NARMADA ROAD, PIPELINE,
SRINAGARA,
BANGALORE - 560 050

...RESPONDENTS

(BY SRI. KUMARA K G, ADVOCATE FOR C/R3 & R4)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR
ORDER OR DIRECTION, WRIT IN THE NATURE OF CERTIORARI
BY SETTING ASIDE THE ORDERS DATED 02.06.2026 PASSED
BY THE TRIAL COURT AND BY ALLOWING THE SAME IN O.S.
NO.4020/2012 IN RESPECT OF I.A. NO.XVI & XVII VIDE
ANNEXURE-A AND ETC

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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ORAL ORDER

The present writ petition is filed aggrieved by the order passed on I.A.Nos.16 and 17 in O.S.No.4020/2012 dated 02.06.2026 by the XXIV Addl. City Civil and Sessions Judge, Bengaluru, the plaintiff is before this Court.

2. The petitioners herein are the plaintiffs in the suit. Plaintiffs have filed an application under Order I Rule 10(2) of the CPC seeking to implead 12 persons as defendant Nos.5 to 16 in the suit. It is stated that the legal heir of the deceased plaintiff, i.e., Sri Sathya Raj, has stated that the 2nd plaintiff is his father. During his lifetime, his mother filed a suit for partition as well as a declaration. When his father was alive, he instituted a suit for partition and separate possession against defendant Nos.1 and 2, being his brother and sister-in-law. Defendant No.1 has sold the suit schedule property in favour of defendant Nos.3 and 4 herein. He is the permanent resident at the address mentioned in the cause title. Defendant No.2 has been residing at the said address for several years.

3. It is stated that defendant No.1 had obtained a G.P.A. from Poojappa in respect of the suit schedule property in the



year 1989. Poojappa died on 19.03.2011, leaving his legal heirs to succeed his estate. Defendant No.1 had no right or title over the suit schedule property to execute any instruments, including a Sale Deed, in favour of defendant Nos.3 and 4. Defendant No.1 executed a Sale Deed in favour of defendant Nos.3 and 4 on 12.04.2012. It is stated that, after the demise of Poojappa, his successors are necessary parties to execute the Sale Deed in favour of his father's own portion. Hence, the proposed defendants are necessary parties to the proceedings.

4. The trial Court, by the impugned order, dismissed the said application. While dismissing the application, the trial Court observed that the suit was filed by the plaintiff against the defendants for the relief of partition, permanent injunction, and other reliefs. It is clear that, after the appearance of the defendants and the filing of the written statement, the necessary issues were framed, the evidence of both parties was concluded, and the matter was posted for arguments. At that time, the learned counsel for the plaintiff filed an application to reopen the plaintiff's side and to examine one independent witness. On considering the objections of the other side, the



applications were allowed, and an opportunity was given to the plaintiffs to examine the witnesses on their behalf as PW.3. He was also cross-examined by the defendant counsel, and even the learned counsel for defendant Nos.3 and 4 filed applications for recalling PW.2 for further cross-examination on the ground that during the course of cross-examination of PW.3, many new facts emerged which were not within the knowledge of defendant Nos.3 and 4. After taking 2 to 3 adjournments for canvassing arguments, the learned counsel for the plaintiff came up with the present application on hand, praying for reopening the side and for impleading proposed defendants.

5. The suit is filed by the plaintiff for the relief of Partition and separate possession. It is the case that he is already in possession and enjoyment of the same, and he has taken the specific contention that the suit property was purchased by defendant No.1 and his elder brother, Sri. Sampath, from their joint income, and that they jointly negotiated with Poojappa and both of them paid the consideration amount. During the pendency of the suit, the original plaintiff, Sampath, was reported dead, and his wife and son were brought on record as



the legal heirs. Nowhere in the plaint averments or in the evidence it is averred or stated by the plaintiff or his legal heirs at any later stage that they have not acquired any right, title or interest over the suit schedule property, or that they intend to get a regular Sale Deed executed in their favour with respect to the suit schedule property from Poojappa or his legal heirs. If at all the plaintiff intended to get the Sale Deed executed in his favour, there was no impediment for him to file a suit for Specific Performance of Contract against Poojappa or his legal heirs at an earlier stage. However, after his death, the original plaintiff's legal heirs have not chosen that relief at an earlier stage.

6. The suit is of the year 2012, and this is a 14-year-old case. After leading evidence in consonance with the pleadings and after filing numerous interim applications, when the matter was finally posted for arguments on the main suit, the plaintiff has come up with the present application for reopening the side and for impleading proposed defendant Nos. 5 to 16 on the ground that they are the legal heirs and successors of Poojappa and are necessary parties in the suit, as they are liable to



execute the sale deed in favour of the plaintiff with respect to their portion. At this stage, the said contention of the plaintiff in the present suit is not at all necessary, and in view of the reliefs claimed by the plaintiff against the defendants, the proposed defendants are not at all proper or necessary parties for adjudication of the lis involved in the present suit. Accordingly the trial court has held that the present application is filed only to protract the proceedings.

7. Learned counsel appearing for the petitioner submits that the trial Court ought to have considered the petitioners' application to implead the legal heirs of the original landowners, as the title now vests with them. The suit for partition before the trial Court would have become ineffective. The trial Court exceeded its jurisdiction in rejecting the applications. It is submitted that the trial Court failed to appreciate the application filed under Order I Rule 10(2) of the CPC, which expressly permits impleadment at any stage of the proceedings. The trial Court also failed to consider that, regarding Poojappa's death, it came to the knowledge of the plaintiff only during the trial upon production of the death



certificate. There was no deliberate delay. The trial Court failed to appreciate that Poojappa's rights vested with his legal heirs, and therefore they became necessary and proper parties. It is submitted that the impugned order is bad.

8. Learned counsel appearing for the respondent submits that the trial court has rightly appreciated all the facts, particularly that the suit is of the year 2012 and that the plaintiff has protracted the proceedings, and has rightly dismissed the petition. Further, their participation in the proceedings is not necessary, and the trial court has rightly held that there are neither necessary nor proper parties to the proceedings.

9. Having heard the learned counsels on either side, perused the material on record. It is noted that earlier the petitioner had filed an application to amend the plaint, which was rejected by the trial court on 16.08.2017. Again, on 16.04.2024, the plaintiff has not challenged the said orders, and the said orders have attained finality. Now, the petitioner, without seeking any amendment to the pleadings and without



seeking any prayer against these impleading applicants, simply files an application to implead them as defendants to the suit.

10. The trial court has rightly considered all the aspects and held that, in a suit of the year 2012, at this stage the presence of the parties is not necessary to adjudicate the dispute between them. Further, in the light of the earlier rejection of the plaint, where he sought to place certain pleadings on record, the rejection has attained finality, without any attempt to seek relief by amending the pleadings, simply impleading the parties as defendant would serve no purpose, and the trial court has rightly dismissed the application. This Court finds no grounds to interfere with the order passed by the trial court.

11. Accordingly, this Court is passing the following:

ORDER

- i. The writ petition is ***dismissed***.
- ii. Pending I.As., in the petition shall stand closed.

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