



CNR: KAHC010447312026

NC: 2026:KHC:38780
WP No. 20413 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 20413 OF 2026 (GM-CPC)

BETWEEN:

G. MALLAIAH
S/O LATE GOPALAPPA
AGE ABOUT 71 YEARS
R/AT NO.333, 3RD MAIN ROAD
VIJAYANANDA NAGAR
NANDINI LAYOUT
BENGALURU-560096.

...PETITIONER

(BY SRI. BRIJESH RAJPUT., ADVOCATE)

AND:

1. G. VENKATAPPA
S/O LATE GOPALAPPA
AGED ABOUT 72 YEARS
2. R.S.GIRIRAJ
S/O LATE SUBANNA
AGED ABOUT 48 YEARS
3. PADMA.R.V
W/O GIRIRAJ
D/O G.VENKATAPPA
AGED ABOUT 36 YEARS
R1 TO R3 ARE R/AT OPP. ROYAL MART
RAJANGUNTE VILLAGE, YELAHANKA
BENGALURU-560064.
4. THE SPECIAL LAND ACQUISITION OFFICER-2,
KARNATAKA INDUSTRIAL AREAS

Digitally
signed by
SUVARNA T
Location:
HIGH
COURT OF
KARNATAKA



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DEVELOPMENT BOARD-KRIDE
NRUPATUNGA ROAD
BANGALORE-560001.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT ORDER OF DIRECTION IN THE NATURE OF WRIT OF CERTIORARI TO QUASH THE ORDER PASSED BY THE HON'BLE III ADDL. SENIOR CIVIL JUDGE, BENGALURU RURAL COURT, IN OS NO.2539/2025, ON I.A NO.3 FILED AT ANNEXURE-A UNDER SECTION 151 OF CPC, DATED 21/4/2026 AND ALLOW THE SAID APPLICATION 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

Aggrieved by the order dated 21.04.2026 passed by the III Addl. Senior Civil Judge, Bengaluru, on I.A.No.3 filed under Section 151 of CPC in O.S.No.2539/2025, the petitioner-plaintiff is before this Court.

2. The plaintiff has filed the suit for partition of the suit schedule property. Now the present I.A.No.3 came to be filed stating that there may be a direction to the defendant Nos.2 and 3. The Trial Court by impugned order dated 21.04.2026 has dismissed the said application. The Trial Court while dismissing the application has observed that the plaintiff has



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placed the release order before the Court where the amount is disbursed to the defendant Nos.2 and 3. It is the case of the defendants that only 10 guntas of land is acquired. Even if the plaintiff succeeds, then more than half share property is available against the defendant No.1. Defendant Nos.2 and 3 are the purchasers and they cannot be asked to deposit the entire amount. It is the further case of the defendants that already there is a partition and the suit is not maintainable and the entire partition dated 03.10.1987 is not challenged. It is the case of the defendants that the plaintiff's son has already filed another suit in O.S.No.1138/2021, which is dismissed and the plaintiff has suppressed the said fact.

3. The Trial Court passed the impugned order, observing that the plaintiff has challenged the partition deed dated 03.10.1987. The defendant Nos.2 and 3 are purchasers of the portion of the suit schedule property. Therefore, it is not a fit case to allow I.A.No.3 at this juncture. However, the defendant Nos.2 to 4 are governed by the final result of the suit. With these observations, I.A.No.3 was rejected.



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4. The learned counsel appearing for the petitioner submits that the suit is pending and that defendant No.4 ought not to have released the amount in favour of defendant Nos.2 and 3.

5. Having heard the learned counsel for the petitioner, perused the material available on record.

6. The fact remains that the plaintiff has placed release order before the Trial Court, whereby the amounts are released in favour of defendant Nos.2 and 3. It is not the case of the petitioner-plaintiff that, except this land, there is no other land for partition. Admittedly, only 10 guntas of land have been acquired. According to the plaintiff, he is entitled to half of the share in the suit schedule property.

7. In that case, at this stage, it is not necessary to pass such an order, and the Trial Court has rightly dismissed I.A.No.3. This Court finds no reason to interfere with the impugned order. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed.***



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ii. Pending I.As if any, in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

DM
LIST NO.: 1 SL NO.: 19