



CNR: KAHC010451552021

NC: 2026:KHC:46946
WP No. 22037 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 22037 OF 2021 (GM-CPC)

BETWEEN:

SMT. KHALEEDA BHANU,
D/O. MOHAMMED JAFFER,
AGED ABOUT 59 YEARS,
R/AT NO.91, 5TH CROSS,
TMCS LAYOUT, JP NAGAR,
BENGALURU – 560 078.

...PETITIONER

(BY SRI.SADDAN R MULLA, ADVOCATE FOR
SRI.MOHAMMED TAHIR, ADVOCATE)

AND:

1. SMT. PRABHAVATHI J,
W/O. S. SRINIVASAMURTHY,
AGED ABOUT 52 YEARS,
R/AT NO.22, 5TH -B-CROSS,
SARAKKI MAIN ROAD,
JP NAGAR 1ST PHASE,
BANGALORE – 560 078.

2. THE COMMISSIONER,
CORPPORATION OF CITY
OF BANGALORE (BCC), BBMP,
BANGALORE – 560 002.

...RESPONDENTS

(BY SRI.LAKSHMISH G.,ADVOCATE FOR R1;
NOTICE R2 STANDS WAIVED V/O/DATED 14.12.2021)



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THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER ON I.A.NO.6 AT ANNEXURE-A PASSED BY THE 27TH ACCJ BANGALORE IN OS.NO.4335/2017 DATE 11.11.2021 BY MEANS OF APPROPRIATE WRIT OR DIRECTION IN QUASHING THE SAID NOTICE AND ALLOWING IA NO.6 FILED BY THE PETITIONER AND 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 writ petition is filed challenging the order dated 11.11.2021 passed on I.A.No.6 in O.S.No.4335/2017 by the XXVII Additional City Civil Judge, Bengaluru (hereinafter referred to as the 'trial Court' for short).

2. Heard Sri Saddam R. Mulla, learned counsel appearing on behalf of Sri Mohammed Tahir, learned



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counsel for the petitioner, Sri Lakshmish G., learned counsel for respondent No.1 and perused the material available on record.

3. Respondent No.1 filed a suit in O.S.No.4335/2017 against respondent No.2- Commissioner, BBMP, seeking the relief of judgment and decree of permanent injunction with regard to the residential building situated on immovable property bearing No.40, old No.4, Sarakki Main road, Shakambarinagar, (old Survey No.63/3, situated at Sarakki Village, Uttarahalli Hobli, Bengaluru South Taluk), Bengaluru Ward No.179 (Old No.57, J.P. Nagar), PID No.57-267-040 Shakambarinagar, BBMP, Bengaluru.

4. In the said suit, the petitioner filed an application I.A.No.6 under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC') seeking to implead herself as a defendant. The said application was opposed by the plaintiff. The trial Court, under the impugned order dated 11.11.2021,



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rejected the application by recording the reasons that there are several litigations pending between the plaintiff and the proposed defendant, and that the applicant had failed to make out a prima facie case with regard to her interest in the suit schedule property and no relief is sought in the suit against the proposed defendant.

5. It is to be noticed that the affidavit accompanying the application for impleadment indicates that the plaintiff is not a member of the Timber Merchants Co-operative Society, which has formed the layout in Survey No.63/3 of Sarakki Village, Bengaluru South Taluk, Bengaluru and that the proposed defendant/applicant purchased the property from her vendor, Smt. Nazeema Najeeb. Paragraph No.6 of the affidavit indicates the pendency of the suit in O.S.No.5248/2018 against the petitioner-proposed defendant. Paragraph No.9 of the affidavit indicates that the plaintiff is putting up the construction in violation of the plan issued by the BBMP



and the construction proposed by the plaintiff is on the road.

6. The trial Court, taking note of the fact that the suit is for bare injunction against the BBMP, held that the plaintiff is required to prove her lawful possession over the property and that the petitioner-proposed defendant is neither a necessary nor a proper party to the suit.

7. It is to be noticed that, in the absence of the petitioner-proposed defendant, the relief sought in the plaint can be considered and granted if the plaintiff is able to establish her lawful possession over the suit schedule property. I do not find any good ground to interfere with the impugned order.

8. It is also to be noticed that the plaintiff, being the *dominus litis*, cannot be compelled to array a third party against whom she does not seek any relief. Hence, the question of seeking impleadment by the petitioner would not arise.



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9. The writ petition is devoid of merits and the same is ***rejected***.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

SHS
List No.: 1 Sl No.: 20