



CNR: KAHC010452602022

NC: 2026:KHC:43161
W.P. No.20052/2022

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.20052/2022 (GM-CPC)

BETWEEN:

SMT. LAKSHMAMMA
W/O LATE V. GURUVA REDDY
AGED ABOUT 78 YEARS
R/AT DINNAKOTHUR VILLAGE
YELESANDRA POST
BUDHIKOTE HOBLI
BANGARPET TALUK-563114.

...PETITIONER

(BY SRI. DARSHAN R, ADV.,)

AND:

1. SMT. KANTHA .G
W/O LATE UDAY SHANKAR
D/O LATE V. GURUVA REDDY
AGED ABOUT 49 YEARS
R/AT NO.199, THUBARAHALLI
BEHIND KARUR VYSYA BANK
R G HALLI POST
VARTHUR MAIN ROAD
BENGALURU-560066.
2. SRI. RAJA REDDY
S/O LATE V. GURUVA REDDY
AGED ABOUT 51 YEARS
R/AT DINNAKOTHUR VILLAGE
YELESANDRA POST
BUDHIKOTE HOBLI
BANGARPET TALUK-563114.
3. SRI. SRINIVASA REDDY
S/O LATE V. GURUVA REDDY
AGED ABOUT 39 YEARS.

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010452602022

NC: 2026:KHC:43161
W.P. No.20052/2022

4. SMT. PARVATHI
W/O LATE SRI. G. RATHNA REDDY
AGED ABOUT 46 YEARS.
5. SMT. VANI
D/O LATE SRI. G. RATHNA REDDY
AGED ABOUT 27 YEARS.
7. SRI. VINAY REDDY
S/O LATE SRI. G. RATHNA REDDY
AGED ABOUT 22 YEARS.

R3 TO R6 ARE
R/AT DINNAKOTHUR VILLAGE
YELESANDRA POST
BUDHIKOTE HOBLI
BANGARPET TALUK-563114.

...RESPONDENTS

(BY SRI. SUNIL S. RAO, ADV., FOR
SRI. T. SESHAGIRI RAO, ADV., FOR R1
V/O/DTD:22.06.2023, NOTICE TO R2 TO R6 ARE D/W)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS IN MISCELLANEOUS APPEAL NO.8/2021 BEFORE 3RD ADDITIONAL DISTRICT AND SESSIONS JUDGE, KOLAR (SITTING AT KGF) AND IN ORIGINAL SUIT NO.24/2019 PENDING BEFORE THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, KGF. SET ASIDE THE ORDER DTD 16.08.2022 IN MISCELLANEOUS APPEAL NO.8/2021 PASSED BY 3RD ADDITIONAL DISTRICT AND SESSIONS JUDGE, KOLAR (SITTING AT KGF) WHEREIN THE LEARNED DISTRICT JUDGE HAS PASSED AN ORDER IN MISCELLANEOUS APPEAL NO.8/2021 PRODUCED AT ANNEX-A & 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



CNR: KAHC010452602022

NC: 2026:KHC:43161
W.P. No.20052/2022

ORAL ORDER

This petition is filed challenging the order dated 16.08.2022 passed in MA.No.8/2021 by III Additional District and Sessions Judge, Kolar (sitting at KGF), (for short 'the Appellate Court').

2. Heard Sri.Darshan R., learned counsel appearing for the petitioner, Sri.Sunil S. Rao, learned counsel for Sri.T.Seshagiri Rao, learned counsel for respondent No.1 and meticulously perused the material available on record.

3. Respondent No.1 filed a suit in OS.No.24/2019 against the petitioner and others seeking the relief of partition and separate possession of the plaintiff's 1/11th share in the suit schedule properties, delivery of possession and other consequential reliefs. In the said suit, the petitioner/defendant No.1 filed a written statement specifically contending that suit item Nos.6, 22 and 23 of the plaint schedule are her self-acquired



NC: 2026:KHC:43161
W.P. No.20052/2022

CNR: KAHC010452602022

properties, acquired under registered sale deeds dated 21.06.1979 and 11.05.1994.

4. It is to be noticed that, in paragraph No.2 of the plaint, the plaintiff has stated that the plaintiff and defendant Nos.1 to 12 constitute a Hindu joint family, being the family members of the original propositus, Sri.V.Guruva Reddy. Further, in paragraph No.7 of the plaint, the plaintiff has stated that the land was granted in favour of defendant No.1, but the said grant was only nominally made in her name and the same is joint family property in the joint possession of the plaintiff and defendants. The plaintiff filed an application under Order XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking an order restraining defendant Nos.1, 5 and 9 to 12, their family members etc., from alienating or encumbering the suit schedule properties to anybody in any manner till the



CNR: KAHC010452602022

NC: 2026:KHC:43161
W.P. No.20052/2022

disposal of the suit. The said application came to be rejected by the trial Court vide order dated 16.01.2021.

5. Aggrieved by the said order, the plaintiff assailed the same before the Appellate Court in MA.No.8/2021. The Appellate Court, vide order dated 16.08.2022, allowed the appeal by setting aside the order dated 16.01.2021 passed in OS.No.24/2019 by restraining the defendants from alienating the suit schedule properties in any manner till the disposal of the suit.

6. It is the specific case of defendant No.1 that suit item Nos.6, 22 and 23 properties are her self-acquired properties, by virtue of two registered sale deeds. On the other hand, the plaintiff has asserted in the plaint that the said properties were nominally granted in the name of defendant No.1, however, they are the joint family properties. It is further to be noticed that defendant No.1 specifically raised such contention before the Appellate Court, which has been extracted in paragraph No.13 of the



CNR: KAHC010452602022

NC: 2026:KHC:43161
W.P. No.20052/2022

impugned order. However, the Appellate Court has not recorded any finding with regard to the same and, by a general finding, the Court concluded that there cannot be any alienation of the properties. In my considered view, the order of the Appellate Court requires modification to the aforesaid extent, as the Appellate Court is required to reconsider the appeal insofar as item Nos.6, 22 and 23 of the suit schedule properties is concerned, having regard to the specific contention raised by defendant No.1 and to decide the same on merits and in accordance with law. Accordingly, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed-in-part.***
- ii. The impugned order dated 16.08.2022 in MA.No.8/2021 insofar as item Nos.6, 22 and 23 of the suit schedule property is hereby set aside.



NC: 2026:KHC:43161
W.P. No.20052/2022

CNR: KAHC010452602022

iii. The matter is remitted back to the Appellate Court to reconsider the appeal insofar as the aforesaid items are concerned in accordance with law within a period of 3 months from the date of appearance of the plaintiff and defendant No.1.

iv. The parties, i.e., plaintiff and defendant No.1 undertake to appear before the Appellate Court on 07.09.2026. The Appellate Court need not issue notice to the other defendants except defendant No.1, if defendant No.1 fails to appear on the said date.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 30