



CNR: KAHC010456112026

NC: 2026:KHC:43332
WP No. 20664 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 20664 OF 2026 (GM-CPC)

BETWEEN:

PARAMESHA D
S/O SRI DEVENDRAPPA
AGED ABOUT 33 YEARS
R/AT AGASANAHALLI VILLAHE
HOSURU ROAD AK COLONY
DASARA KALLAHALLI POST
BHADRAVATHI TALUK
SHIMOGGA DISTRICT -577301

...PETITIONER

(BY SRI. VIJAY KUMAR T.,ADVOCATE)

AND:

1. SMT MALLAMMA
W/O LATE RANGAPPA
AGED ABOUT 82 YEARS
2. SRI BASAVARAJAPPA
S/O LATE RANGAPPA
AGED ABOUT 52 YEARS
3. SRI SHEKARAPPA
S/O LATE RANGAPPA
AGED ABOUT 47 YEARS

R1 - R3 ARE R/AT:
AGASANAHALLI VILLAGE
DASARA KALLAHALLI POST

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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BHADRAVATHI TALUK
SHIMOGGA DISTRICT -577301

4. SRI DEVENDRAPPA
S/O LATE RANGAPPA
AGED ABOUT 57 YEARS
R/AT AGASANAHALLI VILLAGE
DASARA KALLAHALLI POST
BHADRAVATHI TALUK
SHIVAMOGGA DISTRICT -577301

5. SMT BASAMMA
W/O LATE THIMMAIAH
AGED ABOUT 62 YEARS

6. SRI MANJUNATH
S/O LATE THIMMAIAH
AGED ABOUT 32 YEARS

R5 & R6 ARE R/AT
AGASANAHALLI VILLAGE
DASARA KALLAHALLI POST
BHADRAVATHI TALUK
SHIMOGGA DISTRICT -577301

7. SMT SOWMYA
W/O GIRISH
AGED ABOUT 27 YEARS
R/AT M C HALLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT-577228

...RESPONDENTS

(BY NOTICE TO R1 - R3 ARE H/S V/O DTD:13.08.2026;
NOTICE TO R4 - R7 ARE D/W V/O DTD:13.08.2026)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING SET ASIDE THE
IMPUGNED ORDER DATED 16.06.2026 PASSED ON XII, IN
O.S.NO.374/2024, BY THE HONBLE IV ADDL. CIVIL JUDGE



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AND JMFC AT BHADRAVATHI, VIDE ANNEXURE-G
CONSEQUENTLY, ALLOW THE I.A.NO.XII UNDER ORDER
III RULE 2 R/W. SECTION 151 OF CPC FILED BY THE
PETITIONER AND PERMIT HIM TO PROSECUTE THE CASE
ON BEHALF OF DEFENDANT NO.1 AS PER GPA, IN THE
INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ORDERS, THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 16.06.2026 passed in
I.A.No.XII in O.S.No.374/2024 by the IV Additional Civil Judge
and JMFC at Bhadravathi, the petitioner/applicant is before this
Court.

2. The respondent Nos.1 to 3, who are the plaintiffs,
have filed O.S.No.374/2024 seeking partition and separate
possession. In the suit, the GPA holder of defendant No.1 has
filed I.A.No.XII under Order III Rule 2 read with Section 151 of
the CPC to permit the GPA holder of defendant No.1 to contest
the case on behalf of the defendant. In the affidavit filed in
support of the application, it is stated that his father is unable
to attend the Court due to ill health and age-related ailments.
After the completion of the plaintiff's evidence, the suit



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proceeded to the defendant's evidence. At that time, the present application was filed. That application was dismissed by the trial Court on the ground that no material was filed to show that the father is unwell or suffering from any medical issues.

3. The petitioner has filed a memo seeking dispensation of notice to respondent Nos. 4 to 7, and the notice is dispensed with. A memo is filed stating that hand summons was served upon counsel appearing for respondent Nos.1 to 3. Despite service of hand summons, no vakalath is filed, and there is no representation on their behalf.

4. Having heard the learned counsel for the petitioner, perused the entire material on record. Considering the fact that the application is dismissed only on the ground that no medical records are filed, and that the petitioner is ready to produce the same, this Court is passing the following order:

ORDER

- i. The order dated 16.06.2026 passed in I.A.No.XII in O.S.No.374/2024 by the IV Additional Civil Judge and JMFC at Bhadravathi,



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is ***set aside*** and the matter is ***remanded back*** to the trial Court.

- ii. The petitioner shall file the appropriate documents before the trial Court.
- iii. Accordingly, the writ petition is ***allowed***.
- iv. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 38