



CNR: KAHC010476962026

NC: 2026:KHC:36984
WP No. 21650 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 21650 OF 2026 (GM-CPC)

BETWEEN:

1. UDAYARAJ
S/O SHOBHANANDA KUMAR,
AGED ABOUT 32 YEARS
2. SHASHI KUMAR,
S/O SHOBHANANDA KUMAR,
AGED ABOUT 25 YEARS

BOTH ARE R/AT FIRST CROSS,
VAPASANDRA, WARD NO.1,
OPPOSITE D.C.QUARTERS,
CHICKBALLAPUR - 562 101

...PETITIONERS

(BY SRI. VARADARAJAN M.S., ADVOCATE)

AND:

1. SHOBANANDAKUMAR
S/O LATE B.V.NARAYANASWAMY,
AGED ABOUT 63 YEARS,
R/AT OPP.A.C.BUNGALOW,
1ST CROSS, VAPASANDRA,
CHIKBALLAPUR - 562 101
2. VENKATALAKSHMAMMA,
W/O LATE B.V.NARAYANASWAMY,
AGED ABOUT 81 YEARS,
R/AT OPP.A.C.BUNGALOW,
1ST CROSS, VAPASANDRA,



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- CHICKBALLAPUR-562 101
3. SHIVANANDAKUMAR,
S/O LATE B.V.NARAYANASWAMY,
AGED ABOUT 57 YEARS,
NO.47, BRINDAVANA LAYOUT,
MALLASANDRA, T. DASARAHALLI,
BANGALORE-560 057
4. PUSHPAKUMARI,
D/O LATE.B.V.NARAYANASWAMY,
W/O LAKSHMAN KUMAR,
AGED ABOUT 51 YEARS,
R/AT NO.10, SRI VASUKI,
14TH MAIN, 19TH CROSS,
PADMANABHANAGAR,
BANGALORE - 560 061
5. B.V.LAKSHMINARAYANANA,
SINCE DEAD BY L.RS. ESHWARAMMA,
W/O LATE B.V.LAKSHMINRAYANA,
AGED ABOUT 82 YEARS,
VAPASANDRA, 1ST DIVISION,
WARD NO.1,
CHICKBALLAPUR TOWN-562 101
6. TANUJA,
D/O LATE B.V.LAKSHMINARAYANA,
W/O PURUSHOTHAM,
AGED ABOUT 60 YEARS,
NO.41, SAMRUDHINILAYA,
MARUTHI LAYOUT, 3RD MAIN,
VASANTHAPURA,
SUBRAMANYAPURA POST,
BANGALORE - 560 061
7. DIVYAKUMARI,
D/O LATE B.V.LAKSHMINARAYANA,
W/O MALLESH,
AGED ABOUT 57 YEARS,
NO.45, JYOTHIRMAYA,
7TH CROSS, BENDRE NAGAR,
BANASHANKARI 2ND STAGE,



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BANGALORE - 560 070
8. KUSUMAKUMARI,
D/O LATE B.V.LAKSHMINRAYANA,
W/O CHNDRASHEKAR,
AGED ABOUT 54 YEARS,
R/AT NO.21, OLD NO.619/A,
4TH CROSS, 5TH MAIN,
DR. SHIVARAMAKARANTH ROAD,
HANUMANTHANAGAR,
BANGALORE560 019

9. B.L.VIJAY KUMAR,
S/O LATE B.V.LAKSHMINRAYANA,
AGED ABOUT 51 YEARS

10. B.L.KESHAHA KUMAR,
S/O LATE B.V.LAKSHMINRAYANA,
AGED ABOUT 47 YEARS

RESPONDENTS NO.9 AND 10 ARE
R/AT VAPASANDRA, 1ST DIVISION,
WARD NO.1,
CHICKBALLAPUR TOWN - 562 101

11. B.V.SATHYANARAYANA,
S/O LATE DODDA VENKATARAYAPPA,
AGED ABOUT 79 YEARS

12. VIJAYALAKSHMI,
W/O B.V.SATHYANARAYAN,
AGED ABOUT 66 YEARS

RESPONDENTS NO.11 AND 12 ARE
R/AT NO.952, 36TH CROSS,
POORNAPRAGNA LAYOUT,
NEAR HAPPY VALLY GATE,
UTTARAHALLI,
BANGALORE - 560 061

13. A.N.MANJUNATH,



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S/O NARAYANAPPA,
HINDU, AGED ABOUT 52 YEARS,
R/AT ABBODU VILLAGE,
KASABA HOBLI, SIDLAGHATTA TALUK
PROPERTY : SAINEHATYRE SOLUTIONS,
B.B.ROAD, HANUMENAHALLI VILLAGE,
KASABA HOBLI,
CHICKBALLAPUR-562 101

...RESPONDENTS

(BY SRI.VIGNESWARA S. SHASTRI, SENIOR COUNSEL FOR
SRI.B.M.IRSHAD AHMED, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE
ORDER DATED 15.06.2026 PASSED ON I.A.NO.08 IN
O.S.NO.349/2020, ON THE FILE OF THE PRINCIPAL SENIOR
CIVIL JUDGE AND CHICKBALLAPUR (ANNEXURE-A).

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 15.06.2026 passed in
I.A.No.8 in O.S.No.349/2020 by the Principal Senior Civil Judge
and CJM, Chickballapur, the petitioners/impleading applicants
are before this Court.

2. The father of the impleaded applicants had filed
O.S.No.349/2020 seeking partition and separate possession.
When the matter was set down for arguments, the present
application was filed, stating that they have obtained probate in



respect of suit item No.7. Without the petitioners' presence, any order passed would cause lot of hardship to the petitioners, and hence they may be impleaded as defendants to the suit.

3. The trial Court, by the impugned order, dismissed the application. While dismissing the application, the trial Court observed that the applicants contend that they obtained the probate certificate as per the Will dated 24.11.1999 executed by Smt. Sarojamma in P&SC No.51/2022, and that suit item No.7 belongs to them, so their presence is required to adjudicate the matter. It is pertinent to note that the probate certificate issued in favour of the applicants was challenged by the defendants herein by filing Misc. Petition No.17/2025, and that the Miscellaneous Petition was allowed, and the Principal District Court passed orders that it is subject to the result in O.S.No.460/2025.

4. It is further observed that, as per the materials on record, another suit is pending in O.S.No.465/2025 in respect of suit item No.7. Therefore, when the comprehensive suit for declaration is pending in respect of suit item No.7, the presence of the applicants in the present suit is absolutely not required,



and the applicants have no right or title over suit item No.7. They can plead and prove their claim in the suit filed in O.S.No.460/2025 for declaration, which is the comprehensive suit. The plaintiff is also a party in the said suit and ought to have had the suit in respect of item No.7 . Instead, as rightly pointed out by learned counsel for the defendants, the plaintiff instigated the applicants, who are his children, to file this application when the matter was set down for arguments. It prima facie appears that this application is filed merely to drag on the proceedings, and the presence of the applicants is absolutely not required in any manner. Accordingly, the application is dismissed.

5. Learned counsel appearing for the petitioners/impleading applicants submits that the trial Court failed to consider the contentions put forth by the impleaded applicants. It is submitted that probate was granted in their favour, and the order passed in the miscellaneous petition is an innocuous order, and by way of that order, the Court has not set aside the probate. In light of the same, if the petitioners are not impleaded in the suit and the trial Court proceeds with the suit,



and if the property is allotted in favor of the parties, it would cause a lot of hardship to the impleading applicants, and they are proper and necessary parties to the present suit. It is submitted that all these aspects were not considered by the trial Court, and the trial Court proceeded on the premise that the probate was set aside, which is factually incorrect.

6. Learned Senior counsel representing the counsel for respondent No.3 submits that there is another suit, i.e., O.S.No.165/2019, which was decreed, and against that R.A.No.76/2023 was filed and it was dismissed. In that case also, item No.7 is the schedule property involved in the suit, and the final decree proceedings are pending. It is submitted that to decide the dispute between the parties in this suit, the presence of the impleading applicants is not necessary, and that is filed only to drag on the proceedings. The trial Court has rightly dismissed the application, and there are no grounds to interfere.

7. Having heard the learned counsel for the petitioners and the learned Senior counsel for the respondent No.3, perused the entire material on record. The whole thrust of the



argument of the learned counsel for the petitioners is that a probate was issued in P&SC No.51/2022, and the miscellaneous petition filed by the defendants was allowed. It was observed that the order passed in P&SC is subject to the result of the proceedings in O.S.No.460/2025. Learned counsel for the petitioners contends that, even to date, the probate granted in favour of the petitioners subsists and that the order is innocuous. As such, the trial Court ought not to have taken that into consideration. This Court is not able to appreciate the said submission made on behalf of the petitioners. A miscellaneous petition was filed by the defendants and it was allowed. According to the petitioners, the probate is in their favour and the order is innocuous, and as such, it was not questioned. The said submission of the learned counsel for the petitioners cannot be considered, and it cannot be held that the probate that is granted is subsisting.

8. When probate is not subsisting, and item No. 7 of the scheduled property is already part of earlier proceedings, and the appeal was dismissed, and the final decree proceedings are pending before the trial Court, as far as this suit is concerned,



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the petitioners' presence is not required to decide the disputes between the parties. The petitioners can pursue remedies in the pending suit or in the FDP, as it is submitted that they are impleaded as parties, and this Court finds no reason to interfere with the order. Hence, this Court is passing the following order:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 35