



CNR: KAHC010497442026

NC: 2026:KHC:38782
WP No. 22724 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. 22724 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. DAYANANDASWAMY
AGED ABOUT 61 YEARS
S/O LATE B.BASAPPA
NO.7, MALLIKARJUNASWAMY
TEMPLE ROAD, FORT, TIPTUR-572 201.
2. SRI.B.BASAVALINGA MURTHY
AGED ABOUT 56 YEARS
S/O LATE B.BASAPPA
NO.5-B-201, 2ND FLOOR
ANANDA VIHAR APARTMENTS
TALI CHOWKI, HYDERABAD-8
ANDHARA PRADESH.

...PETITIONERS

(BY SRI. S RAJESH, ADVOCATE FOR
SRI.S B MUKKANNAPPA., ADVOCATE)

AND:

1. PRAVEEN KUMAR T.S
AGED ABOUT 57 YEARS
R/AT THIMLAPURA VILLAGE
BILIGERE POST, TIPTUR TALUK
TUMKUR DISTRICT-572 101.
2. SMT.B.BHAVANIDEVI
AGED ABOUT 52 YEARS
W/O GANGADHARA
9TH B CROSS, BEHIND NEHRU SCHOOL
GANGOTHRI NAGAR



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R/O GANESHA NILAYA, S.I.T.EXTESION
TUMKUR-572 101.

3. SMT.SHYAMALADEVI
AGED ABOUT 53 YEARS
W/O C.C.MANJUNATHA
R/O PALLAGHATTI HOUSE
KANNIKA PARAMESHWARI TEMPLE ROAD
BEHIND SIDDI MEDICALS
TIPTUR-572 201.
4. SMT.B.ANNAPURNA
AGED ABOUT 60 YEARS
W/O VISHWANATHA
R/ AT NO.19, I MAIN, II STAGE
WEST OF CHORD ROAD
MAHALAKSHMIPURAM
BANGALORE-560 086.
5. SRI. YOGESHWARASWAMY
AGED ABOUT 57 YEARS
S/O LATE B.BASAPPA
RESIDING AT NO.7
MALLIKARJUNASWAMY TEMPLE ROAD
FORT, TIPTUR-572 201.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 2.5.2026 PASSED BY THE SENIOR CIVIL JUDGE AND J.M.F.C AT TIPTUR, ON I.A.NO.4/2024 IN F.D.P.NO.4/2021 AT ANNEXURE-H TO THE WRIT PETITION, AND CONSEQUENTLY DISMISS THE APPLICATION NO.4/2024 FILED BY THE RESPONDENTS 1 TO 4, UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE AND ETC.

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



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ORAL ORDER

1. Aggrieved by the order dated 02.05.2026 passed by the Senior Civil Judge and JMFC, Tiptur, on I.A.No.4 filed under Section 151 of CPC in FDP No.4/2021, the petitioners are before this Court.
2. It is submitted that the Trial Court has passed the impugned order on the basis of an application filed by the other co-sharers seeking to sell Item No.11 of the suit schedule property and to distribute the sale consideration among the parties in the interest of justice.
3. Learned counsel for the petitioners submits that the petitioner has sentiments, as it is an ancestral property, and the Trial Court ought not to have passed an order directing the property to be auctioned in a public auction. The Trial Court, by the impugned order, has allowed the application filed by the other co-sharers. While passing the impugned order, the Trial Court has observed that the property at item No.11 has irregular measurements and is very small, which cannot be distributed by demarcating and allotting shares to the petitioners and respondents. Therefore, it is just and fair to put



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the suit item No. 11 property for sale and to distribute the sale consideration amount to the petitioners and respondents to provide equitable relief as per the preliminary decree under Section 2 of the Partition Act, 1983. Though the respondents have contended that the petitioners have not filed this application under a specific provision of law, the petitioners' application cannot be dismissed merely because it is not filed under a specific provision of law. The Court Commissioner has demarcated the suit item No.11 property, and the measurements of the suit item No.11 property show that it has abnormal measurements which cannot be divided into 7 equal parts. Therefore, it is not possible to allot the shares in the suit property, and it is just and fair to pass an order for sale of the item No.11 property. Hence, the application is allowed, and the Trial Court has ordered the sale of the petition schedule item No.11 property, instead of division as per Section 2 of the Partition Act. However, if any of the petitioners or respondents wishes to purchase the petition schedule item No.11 property, he or she can purchase it in accordance with the provisions of the Partition Act. If the shares, i.e., the petitioners and



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respondents, are not willing to purchase, in such an event, it will be put to public auction, and thereafter, the sale proceeds shall be distributed among the petitioners and respondents.

4. Learned counsel for the petitioners submits that it is not acceptable for the petitioners to sell the property at a public auction. The Trial Court, without considering the price and other aspects, has put the property for auction.

5. This Court has asked the learned counsel for the petitioners if the petitioners are ready to purchase the property and even the Trial Court has left provision for the same. He has submitted that the petitioners do not have enough resources to purchase the property.

6. Having heard the learned counsel for the petitioners, perused the material on record. The Trial Court has passed the impugned order under Section 2 of the Partition Act, holding that the suit item No. 11 property is not divisible, and has also given an option to any of the petitioners or respondents to purchase the said property. In these circumstances, this Court



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do not find any ground to interfere with the order impugned.

Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is **dismissed**.
- ii. Pending I.As if any, in the petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

DM
LIST NO.: 1 SL NO.: 42