



CNR: KAHC010573462026

NC: 2026:KHC:45536
WP No. 26012 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 26012 OF 2026 (GM-CPC)

BETWEEN:

SRI M S MARULIAH
S/O SHIVALINGAPPA
AGED ABOUT 62 YEARS,
BESIDE GOVT HOSPITAL
MADALU VILALGE, KANAKATTE HOBLI
ARSIKERE TALUK,
HASSAN DIST. - 573 144

...PETITIONER

(BY SRI. K. GURUDHATTA, ADVOCATE)

AND:

1. SRI H N SIDDARAMANNA
S/O H K NANJAPPA
AGED ABOUT 48 YEARS,
BANAVARA, ARSIKERE TALUK,
HASSAN DISTRICT - 573 103
2. SMT SARVAMANGALA
W/O PARAMESHWARAPPA
AGED ABOUT 58 YEARS,
DUMMENHALLI VILALGE,
KASABA HOBLI, ARSIKERE TALUK,
HASSAN DIST - 573 103



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3. SRI PUTTAMALAPPA
S/O SIDDAPPA
AGED ABOUT 57 YEARS,
MADALU VILALGE, KANAKATTE HOBLI
ARSIKERE TALUK,
HASSAN DIST. - 573 144

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 10.07.2026 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, ARSIKERE, IN FDP NO.6/2022, PRODUCED AT ANNEXURE-C ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

1. Aggrieved by the order dated 10.07.2026 passed in FDP No.6/2022 by the learned Senior Civil Judge and JMFC, Arasikere, the petitioner (respondent No.1 before the FDP Court) is before this Court.

2. When the Final Decree Proceedings ('FDP' for short) were initiated, the petitioner filed objections stating



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that there are necessary parties and were not added as parties to the suit. The petition was bad for non-joinder of necessary parties and that the court could not proceed with the final decree. The trial court had rejected the objections.

3. The trial court has observed that the appellate court has passed an order in R.A. No.63/2018. By that time, the petitioner herein who is the respondent No. 3 in the final decree proceedings was already brought on record. At that time, the respondents had not raised any such contention regarding the suit is bad for non-joinder of necessary parties. At this stage, the contentions raised by the respondents are not sustainable.

4. Further, at the earliest point of time, when the original proceedings were going on, the respondent/petitioner has not raised this objection. In view of Order I Rule 13 of CPC, failure to take such an objection at the earliest opportunity, they cannot take



such a contention at this point of time and accordingly the trial court dismissed the same.

5. Learned counsel for the petitioner has reiterated the contention that was raised before the executing Court and submits that, the Court ought not to have gone ahead with the execution proceedings because the judgment and decree suffers from not impleading proper and necessary parties.

6. Having heard the learned counsel for the petitioner, perused the material on record.

7. The petitioner, who was a party to the proceedings had never taken such a plea and it is raised in the final decree proceedings. The trial court has rightly considered all these aspects and rightly dismissed the petition. Hence, this court finds no reason to consider the same.

8. Accordingly, the writ petition is ***dismissed***.



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Pending IA(s), if any, stands disposed of accordingly.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SKS