



CNR: KAHC010574792026

NC: 2026:KHC:44805
WP No. 25909 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 25909 OF 2026 (GM-CPC)

BETWEEN:

SRI CHANNIGARAMAIAH
SON OF LATE HANUMANTHAIAH
AGED ABOUT 60 YEARS
RESIDING AT KAIDAL VILLAGE
GULUR HOBLI, TUMAKURU TALUK
TUMAKURU DISTRICT-572 118

...PETITIONER

(BY SRI. PUNITH C., ADVOCATE)

AND:

1. SRI. KODI RAMESHWARASWAMY
JEERNODDHARA SAMITHI
REG. NO.DRT:SOC:18/2012-13
DATED: 23.04.2007
REPRESENTED BY ITS PRESIDENT
RANGANATHA R.,
SON OF RANGASWAMAIAH
AGED ABOUT 35 YEARS
RESIDING AT KAIDAL VILLAGE
GULUR HOBLI, TUMAKURU TALUK
TUMAKURU DISTRICT-572 118

2. THE TAHASILDAR
TUMAKURU TALUK
TUMAKURU DISTRICT-572 101

...RESPONDENTS

(BY SRI.SANJAY YADAV B., AGA)

Digitally
signed by
SUVARNA T
Location:
HIGH
COURT OF
KARNATAKA



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THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SETTING ASIDE THE IMPUGNED ORDER DATED 30.07.2026 IN O.S.NO.311/2015 BY THE LEARNED V ADDITIONAL CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, TUMAKURU AS PER ANNEXURE-H ON I.A.NO.24/2026 FILED BY THE RESPONDENT NO.2 UNDER ORDER 1 RULE 10(2) CPC AS PER ANNEXURE- F.

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 30.07.2026 passed on I.A.No.24 in O.S.No.311/2015 by the V Addl. Civil Judge & JMFC., Tumakuru, the petitioner/defendant is before this Court.

2. The respondents herein filed suit against the petitioner seeking injunction. In that, the Tahsildar has filed an application under Order I Rule 10(2) CPC seeking to implead a party defendant in the suit. It is stated that the 'Shree Gangadhareshwaraswamy' temple, located in Kaidala village, Guluru Hobli, Tumkuru Taluk, is a category 'C' notified body, and regarding the title to the land in Sy.No.69 for an extent of 1-05 gunta, Sy.No.70 for an extent of 3-01 gunta, and Sy.No.71 for an extent of 1-22 gunta belongs to the temple.



Since the temple is a notified body, it is the responsibility of the government to protect the property of the notified body, and the Tahsildar of Tumakuru Taluk has not been made a defendant in the said case. Hence, sought for his impleadment. That came to be allowed by order impugned.

3. The trial Court while allowing the application observed that plaintiff has filed the suit for permanent injunction against the defendant, but on perusing the suit schedule item No.1 property i.e. Sy.No.69, measuring 1-05 guntas and also document furnished by the proposed defendant i.e. RTC with respect to Sy.No.69 in column No.9 in possession column it shows the name of 'Shree Gangadhareshwaraswamy' measuring 1 acre 5 guntas and also column No.1 it shows that there is a civil suit pending before Civil Judge, JMFC, Tumkuru in O.S.No.311/2015 and also there is a status-quo order in the said suit. Therefore, for the effective adjudication of the suit, impleading defendant No.2 is necessary and the said party is the proper and necessary party and accordingly allowed the application. The plaintiff has stated that he has no objection to allowing the application and to impleading the Tahsildar.



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Defendant No. 1 has raised his objections. The trial Court, considering the fact that he is a proper party to decide the dispute between the parties, allowed the application. Aggrieved thereby, the defendant is before this Court.

4. Learned counsel appearing on behalf of the petitioner/defendant submits that at the earliest point of time, when an application was filed by the plaintiff and was allowed, the same was not carried out. Now, at this belated stage, this application is filed. When the plaintiff seeks an injunction against only the defendant, the proposed party is not a necessary party to the present suit. Without considering all these aspects, the Court has allowed the application.

5. Having heard learned counsels on either side, perused the material on record. There is no dispute that the suit is for a bare injunction, and as per the revenue records, the suit schedule property is shown as belonging to the temple, and also in the revenue records, there is a mention of the pending suit. As the plaintiff is the master of the suit and has no objection for impleading the proposed party as the defendant, the petitioner, who is the defendant, cannot have



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any objection to the same. Considering the facts and circumstances, the temple is a notified temple, and as per the RTCs, the properties belonged to the temple. In the considered opinion of this Court, the trial Court has rightly passed an order, and no interference is called for. Accordingly, this Court is passing the following:

ORDER

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

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

PKN
List No.: 1 Sl No.: 49