



CNR: KAHC010582352026

NC: 2026:KHC:48043
WP No. 26925 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 26925 OF 2026 (GM-CPC)

BETWEEN:

SRI. PRASANNA MURTHY
S/O LATE BUSIYAPPACHAR,
AGED ABOUT 69 YEARS,
R/AT AZAD NAGAR, HUNSUR TALUK,
MYSURU DISTRICT - 571 606.
(NOTE THE PETITIONER IS NOT CLAIMING THE
BENEFIT OF SENIOR CITIZEN).

...PETITIONER

(BY SRI. RUDRAPPA P., ADVOCATE)

AND:

ANNAIAH ACHAR DEAD BY LRS
GIRISH ANNAAIHCHAR
DECEASED THERE ARE NO LRS

1. ANURADHACHARI
D/O ANNAAICHAR,
AGED ABOUT 50 YEARS,
R/AT NO.A.Y.505,
ELITE PROMANDE,
J.P. NAGAR, 7TH PHASE,
BENGALURU - 560 089.
2. SMT. TARAMANI GIRISH CHARI
AGED ABOUT 49 YEARS,
R/AT FLAT NO.7/A, JARNA MALAY,



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CHS LTD.,
PLOT NO. 31, UNION PARK,
CHEBUR EAST, MUMBAI SUB-URBAN,
MUMBAI MAHARASHTRA - 400 071.

SRI. YASHODHARACHAR,
DEAD BY LRS,

3. VISHALAKSHI
W/O LATE YASHODHARACHAR,
NANJEGOWDA,
AGED ABOUT 63 YEARS,

4. SRI. ANAND
S/O LATE YASHODHARACHAR,
AGED MAJOR,

ALL ARE RESIDING AT
NO.1 SHAKERA BLOCK, TAPAVANA ENCLAVE,
VISHVESHWARANAGAR, MYSURU - 571 606.

5. SMT. PARVATHAMMA
W/O NANJUNDASWAMY,
AGED ABOUT 60 YEARS,
NO.ICAR H.D. KOTE ROAD,
HANUR, CHAMARAJNAGAR DISTRICT - 571 439.

6. SMT. PREMA
W/O LATE MANJUNATH
AGED MAJOR,
R/AT NO. 897, 4TH MAIN,
10TH CROSS, SHARADADEVINAGAR,
MYSURU - 571 606.

...RESPONDENTS



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THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 18-07-2026 ON I.A.NO. IV UNDER SECTION 50 R/W SECTION 151 OF CPC IN EXECUTION NO.62/2023 PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, AT HUNSUR, PRODUCED AT ANNEXURE-E AND 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

The present writ petition is filed by the petitioner, aggrieved by the order dated 18.07.2026 passed in I.A. No. IV in Ex. No. 62/2023 by the Principal Senior Civil Judge and JMFC, Hunsur. The petitioner/JDR No.1, is before this Court.

2. In the execution petition, after the death of decree holder No.1, his son and daughter, namely, decree holders Nos.1(a) and 1(b), were brought on record. Thereafter, during the pendency of the execution proceedings, decree holder No.1(a) also died. At that time, the present application was filed by the wife of decree holder No.1(a) seeking to implead her as his legal representative. The said application was allowed by the order impugned.



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3. While allowing the application, the Trial Court has observed that, during the pendency of the execution petition, decree holder No.1(a) was reported dead and the present application was filed to implead the proposed decree holder No.1(c) as the legal representative of deceased decree holder No.1(a). The application was opposed by judgment debtor No.1, stating that the application was not maintainable and that the proposed applicant was not the legal heir. However, it is important to note that the remaining legal heirs of the decree holder, as well as judgment debtor Nos.2 and 3, have not disputed the fact that the proposed decree holder No.1(c) is the legal representative of decree holder No.1(a). Since the decree is for partition and separate possession, the proposed decree holder No.1(c) is a just and necessary party to the execution petition. Accordingly, the Trial Court has allowed the application.

4. Learned counsel for the petitioner submits that, under Order XXII Rule 5 of the CPC, when there is a dispute as to whether a person is a legal representative, a detailed inquiry is contemplated, and in the present case the Trial Court failed



to conduct one. According to him, the deceased decree holder No. 1(a) divorced his wife long ago, and the person seeking to be impleaded is a complete stranger to the family. Therefore, the Trial Court ought to have conducted a detailed inquiry. It is submitted that, since the Trial Court has not followed the procedure contemplated under the provisions of the CPC, the impugned order requires to be set aside.

5. Having heard the learned counsel of the petitioner, perused the material on record. This is a suit for partition. The original decree holder died. His son and daughter were brought on record. The son died during the pendency of the execution proceedings. Now, an application is filed by the proposed wife of decree holder No.1(a), stating that she seeks to be impleaded as the legal representative of the deceased decree holder No.1(a). Decree holder No.1(b), who is the sister and is already on record, has not objected to the same. The other judgment debtors, namely, judgment debtors Nos.2 and 3, have also not opposed the same. The petitioner simply contends that she is a stranger, that the deceased decree holder No.1(a) had already divorced her, and that she is not a



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legal heir. In these circumstances, the question of conducting an inquiry into the same does not arise, particularly when the other family members are not opposing her impleadment. The impleadment of the proposed decree holder No.1(c) would affect the share of decree holder No.1(b). When decree holder No.1(b) has no objection to the same and the other judgment debtors have also not objected, the question of considering the objection raised by the petitioner does not arise. The Trial Court has rightly allowed the application, and this Court finds no reason to interfere with the order impugned. In view of the above discussions, 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**

SMC
List No.: 1 Sl No.: 29