



CNR: KAHC010727062025

NC: 2026:KHC:37844
WP No. 33885 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 33885 OF 2025 (GM-CPC)

BETWEEN:

1. GOPALA GOWDA
S/O LATE ANNU GOWDA,
AGED ABOUT 45 YEARS,
RESIDING AT DOOR NO. 3-73/1
ANUGRAHA HOUSE,
BEHIND OF ROYAL BUS STAND,
THENKA YEKKAR, PERMUDE,
MANGALURU-574 509
2. SRI. VISHWANATH,
S/O LATE ANNU GOWDA,
AGED ABOUT 40 YEARS,
RESIDING AT DOOR NO.3-74,
ANUGRAHA THENKA YEKKAR,
PERMUDE, MANGALURU-574 509
3. SMT. REVATHI,
D/O LATE ANNU GOWDA,
W/O SRI. K. DINESH GOWDA,
AGED ABOUT 48 YEARS,
RESIDING AT DOOR NO. 1-30,
KELAGINA MANE, BELLIBETTU GUTTU,
KOMPADAVU, MANGALURU- 574144



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4. SMT. PUSHPA,
D/O LATE ANNU GOWDA,
W/O SRI VAMANA,
AGED ABOUT 38 YEARS,
RESIDING AT DOOR NO. 1-35/A,
KANDALA, AMBLAMOGARU,
MANGALURU-575 017.
5. SMT. BHAGYAVATHI,
D/O LATE ANNU GOWDA,
AGED ABOUT 36 YEARS,
RESIDING AT DOOR NO. 3-73/1
ANUGRAHA HOUSE,
BEHIND OF ROYAL BUS STAND,
THENKA YEKKAR, PERMUDE,
MANGALURU-574 509

...PETITIONERS

(BY SMT. SUSHMITHA SURESH., ADVOCATE)

AND:

RAGHAVENDRA
S/O LATE PANDU GOWDA
AGED ABOUT 30 YEARS
R/A D. NO. 30-24/1,
THENKA YEKKARU VILLAGE,
PERMUDE, MANGALORE- 574 509

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
CONSTITUTION OF INDIA PRAYING TO ALLOW THIS WRIT
PETITION AND SET ASIDE THE ORDER DATED 12-11-2024



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PASSED BY THE II ADDITIONAL SENIOR CIVIL JUDGE AND
CJM, MANGALURU.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The petitioner is before this Court, challenging the order dated 12.11.2024 passed by the II Additional Senior Civil Judge and CJM, Mangaluru (hereinafter referred to as the 'trial Court') in I.A.No.1 filed by the respondent under Order I Rule 10(2) read with Section 151 of the Civil Procedure Code in F.D.P.No.18/2022.

2. The petitioner Nos.1 to 4 are defendants Nos.10 to 12. The respondents herein are defendant Nos.1 to 9 in OS No.228/2020, and they are participating in the proceedings without mentioning the suit filed by them or the final decree proceedings. The applicant and other family members are residing in the suit schedule property. Recently, when the Commissioner appointed in the Final Decree Proceedings issued notice and visited the property for division, the applicant and



others came to know about the suit and the final decree proceedings for the first time. If the division is effected as directed on the basis of the Commissioner's report in this proceedings, as per the preliminary decree, the applicant and other members of the joint family will be put to hardship, and accordingly prayed to allow the application.

3. The trial Court passed an order observing that the petitioners filed objections, contending that the applicant was fully aware the suit for partition i.e., O.S.No.100/2020 was filed for partitioning the plaint schedule property, that a decree had been passed by the competent court, that he had no right over the suit schedule property, that he had no relationship with the family, and that he was not a proper and necessary party to the proceedings. The trial court, by the impugned order, allowed the application. While allowing the application, the court observed that the applicant claims to be the son of Late. Pandu Gowda, who is the son of Late Annu Gowda, S/o. Appu Gowda. The suit property belongs to Sri. Appu Gowda, which are joint chalageni properties. Being the elder son of Late. Appu Gowda, Sri. Veerappa Gowda filed Form No.7 on behalf of the family of



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Late Appu Gowda, and some of the legal heirs of Late. Appu Gowda filed the suit for partition in OS.No.228/2020 against the other legal heirs of Late. Appu Gowda. From the genealogy furnished by the applicant herein, it appears that the plaintiffs in O.S.No.228/2020 are the children of Late.Annu Gowda, Late.Channamma Bai, Late.Dammu Gowda and Late.Ammu Bai, who are the children of Late.Appu Gowda, against the children of Sri.Veerappa Gowda and other children and grandchildren of Late. Appu Gowda. Therefore, O.S.No.228/2020 is a comprehensive suit, where the issue regarding whether the property involved in the petition and in the suit in OS.No.228 of 2020 is a joint family property or the separate self-acquired property of Sri.Veerappa Gowda, or not, is yet to be decided. It is also observed that it is not proved that the property is a joint family property or the entire self-acquired property of Sri.Veerappa Gowda. The trial Court has held that they have an undivided share and interest in the petition schedule properties. Therefore, they are the proper and necessary parties to the FDP proceedings.



4. Learned counsel appearing for the petitioners submits that the impleading applicants are only in permissive occupation of the premises and have no nexus whatsoever with the joint family properties. It is contended that they are neither proper nor necessary parties to the proceedings. It is further submitted that, without considering these aspects, the Trial Court erroneously allowed the application for impleadment.

5. Learned counsel for the respondents submits that it is the case of the impleading applicants that they are fully aware of the judgment and decree passed in the suit, as well as the pending final decree proceedings. It is submitted that, without challenging either the preliminary decree or the final decree proceedings, they have approached the Executing Court by filing the present application. According to the petitioners, the Executing Court failed to consider these aspects while allowing the application.

6. Having heard the learned counsel for the petitioners, perused the material on record, this Court finds that the impleading applicant is the plaintiff in O.S. No. 228/2020. The petitioners and other members of the family are



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parties to the said suit, which has been instituted by furnishing the family genealogy and seeking appropriate reliefs in respect of the family properties. It is also evident that the parties to the final decree proceedings constitute one branch of the family, whereas in O.S. No. 228/2020, all the members of the family have been arrayed as parties in a comprehensive suit concerning the very same schedule properties.

7. It is not in dispute that the impleading applicant, along with the other family members, resides in the suit schedule property. In these circumstances, the presence of the impleading applicants is necessary for the effective and complete adjudication of the issues arising in the final decree proceedings. The Trial Court has, therefore, rightly held that they are proper and necessary parties and has rightly allowed the application for impleadment. This Court finds no illegality, perversity, or jurisdictional error in the impugned order that would warrant interference under Article 227 of the Constitution of India. Hence, this Court is passing the following:



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ORDER

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

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

AG
List No.: 1 Sl No.11