NC: 2025:KHC:53014
W.P. No.36980/2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.36980/2025 (GM-CPC)

BETWEEN:

SRI. B. VENKATESHWARA BHAT
S/O LATE B.B. VENKATRAMANA BHAT
AGED ABOUT 65 YEARS
C/O RAMACHANDRA BHAT
POST: HARIYA, HOSANAGARA TALUK
SHIMOGA DISTRICT- 577 201.

Digitally signed by RUPA V
Location: High Court Of Karnataka

NOW R/AT: ADISHAKTHI NILAYA
1-316, HOLLETHOOR HOUSE, ALANKARU
DAKSHINA KANNADA-574285.

...PETITIONER

(BY SRI. SACHIN B.S. ADV.,)

AND:

SRI. B. SUBRAHMANYA BHAT
S/O LATE B.V. VENKATRAMANA BHAT
SINCE DECEASED REP. BY NO.1 TO 4).

1. SMT. GOWRI S. BHAT
W/O LATE B. SUBRAHMANYA BHAT
AGED ABOUT 82 YEARS
R/O KANTHARANIMOOLE HOUSE
BALNADU VILLAGE, UJRUPADE POST
VIA NEHRYNAGARA, PUTTUR
DAKSHINA KANNADA.

2. SRI. VENKATRAJA
S/O B. SUBRAMANYA BHAT

AGED ABOUT 50 YEARS.

3. SRI. NARAYANA PRAKASH
S/O B. SUBRAMANYA BHAT
AGED ABOUT 48 YEARS.

4. SRI. SHIVAPRASAD
S/O B. SUBRAMANYA BHAT
AGED ABOUT 46 YEARS.

ALL ARE R/AT KANTHARANIMOOLE,
BALNADU VILLAGE, POST UJIRUPADE
(VIA) NEHRUNAGAR, PUTTUR
DAKSHINA KANNADA-574 201.

SRI B. NARAYANA BHAT
S/O LATE B.V. VENKATRAMANA BHAT
SINCE DECEASED REP. BY LRS. 5 TO 7.

5. SMT. LALITHA
W/O LATE NARAYANA BHAT
AGED ABOUT 70 YEARS.

6. ADARSHA .B
S/O LATE NARAYANA BHAT
AGED ABOUT 40 YEARS.

R5 & R6 ARE RESIDING AT
2-68, SUMUKHA, NAITHADI HOUSE
KEMMINJE VILLAGE AND POST
PUTTUR TALUK
DAKSHINA KANNADA - 574 202.

7. SMT. AKSHATHA .B
W/O SATHYASHANKARA .M
D/O LATE NARAYANA BHAT
AGED ABOUT 38 YEARS
R/O MAILANKOTE HOUSE
KANTHARA POST, ADJUR VILLAGE
KASARGOD-671543.

8. SRI. B. KRISHNA BHAT
S/O LATE B.V. VENKATRAMANA BHAT
AGED ABOUT 78 YEARS
R/O. C-35A, KAILAS QUARTERS
MANIPAL, UDUPI TALUK, D.K-574 201.

9. SRI. B. KESHAVA BHAT
S/O LATE B.V. VENKATRAMANA BHAT
AGED ABOUT 75 YEARS
406, PANCHA RATHNA
OPP. RAILWAY STATION
BHAYANDRA (E)-401105.

10. SRI. B. GANAPTHI BHAT
S/O LATE B.V. VENKATRAMANA BHAT
AGED ABOUT 67 YEARS
C/O K. GOPALAKRISHNA BHAT
BIKURI, BAJATHOOR VILLAGE
P.O. KANCHANA
PUTTUR TALUK-574 201.

11. SRI. B. SUBHASHCHANDRA BHAT
S/O LATE B.V. VENKATRAMANA BHAT
AGED ABOUT 62 YEARS
OFFICE ASSISTANT CAMPCO
CHOCOLATE FACTORY
MARIL, KEMMINJE VILLAGE AND POST
PUTTUR TALUK, D.K-574201.

12. MANASA .S
D/O LATE SATHYA MURTHY
AGED ABOUT 27 YEARS
S/O LATE B.V. VENKATRAMANA BHAT
D.NO. 2-56, RAMAREPALU, NERALAKATTE
NETLAMUDNOOR POST, BANTWAL TALUK, DK.

13. SRI. B. SHIVARAMA BHAT
S/O LATE B.V. VENKATRAMANA BHAT
AGED ABOUT 77 YEARS
HOUSE NO.174, 4TH MAIN, 'B' BLOCK
BANK EMPLOYEES COLONY

BUGADI, MYSORE-570 023.

14. SRI. B. MAHABALESHWARA BHAT
S/O LATE B.V. VENKATRAMANA BHAT
AGED ABOUT 71 YEARS
HOLLETHURA HOUSE, ALANKAR POST
AND VILLAGE, PUTTUR TALUK, D.K-574201.

15. SMT. SHARADA
W/O DR. K.S.N. BHAT
AGED ABOUT 80 YEARS
SHRI HARSHA NILAYA
KUVETTU VILLAGE
GURUVAYANAKERE POST
BELTHANGADY TALUK, D.K-571242.

SMT. SEETHALAKSHMI
W/O K. THIRUMALESHWARA BHAT
SINCE DECEASED REP. BY HER LR'S.

16. SMT. VEENA KUMARI
W/O SUBRAHMANYA SHARMA M.R.
AGED ABOUT 50 YEARS
MEESEBAILU HOUSE, NEERCHAL
KASARAGOD, KERALA-671321.

17. SMT. VISHALAKSHI
W/O RAGHURAMA BHAT
AGED ABOUT 48 YEARS
BALLAMAJALU HOUSE
NERALAKATTE POST
PERAJE, BANTWAL TALUK-574253.

18. SMT. LAKSHMIDEVI .K
W/O PRASANNA V.R.
AGED ABOUT 46 YEARS
MADAKATTE HOUSE
OPP. MADAKATTE PRIMARY SCHOOL
BAREBETTU POST, KOLNADU
BANTWAL.

19. SMT. CHITHRA BHAT
W/O RAJARAM .U
AGED ABOUT 44 YEARS
ULUVANA HOUSE
BAYAR POST AND VILLAGE
KASARAGOD DISTRICT
KERALA 671348.

20. SMT. ROHINI
W/O VINOD KUMAR .S
AGED ABOUT 42 YEARS
'VISHWATHMA' HOUSE
NO. 2-3-188/7, KOTTARA CROSS
2ND CROSS, KOTTARA
OPP. PLAMA RESIDENCY
BEJAI, MANGALURU-574004.

21. VENKATAKRISHNA .K
MAJOR
S/O K. THIMMANNA BHAT
KEREKODY HOUSE
KANIYOOR POST AND VILLAGE
BELTHANDADY TALUK-574217.

22. SMT. KRISHNA KUMARI
W/O N.K. THIMMAPPAYYA
AGED ABOUT 40 YEARS
R/O L-1380, 3RD MAIN
10TH CROSS, VIVEKANANDA NAGAR
MYSORE-570 023.

23. SMT. ISHWARI
W/O SHIVAKUMAR
AGED ABOUT 66 YEARS
R/O MANJUKTYA HOUSE
MADNUR VILLAGE, P.O. KAVU
PUTTUR TALUK, D.K. DISTRICT-574201.

24. SMT. SAVITHA
W/O KRISHNARAJA BHAT
AGED ABOUT 55 YEARS

R/O SARASWATHI SADANA
SHIRTHADY VILLAGE AND POST
MANGALORE TALUK, D.K-575 101.

…RESPONDENTS

(BY SRI. G. RAVISHANKAR SHASTRY, ADV., FOR
SRI. PRASANNA V.R. ADV., FOR C/R4)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DTD. 06.09.2025 ON I.A.NO.14 IN FDP NO. 04 OF 2004 ON THE FILE OF ADDITIONAL SENIOR CIVIL JUDGE AND JMFC PUTTUR AS PER ANNX-A AND CONSEQUENTLY ALLOW I.A NO. 14 AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 06.09.2025 passed on I.A.No.14 in FDP No.4/2004 on the file of the Additional Senior Civil Judge and JMFC, Puttur.

2. Heard.

3. Sri.Sachin B.S., learned counsel for the petitioner submits that Sri.B.Subramanya Bhat and others

filed a suit for partition and separate possession of Schedule 'A', 'B' and 'C' properties. The Trial Court decreed the suit in respect of Schedule 'A' and 'B' properties and thereafter, the final decree proceedings were initiated. It is submitted that in the said proceedings, the petitioner filed I.A.No.14 seeking for deletion of Schedule 'B' property on the ground that the said property was a Government property which was given on lease for 30 years and the lease had come to an end. The Trial Court, under the impugned order rejected the said application without appreciating the fact that the property does not belong to the joint family and it is the Government who is the owner of the property. It is further submitted that the petitioner's application was rejected on an earlier occasion and this Court in W.P.No.2431/2016 ordered to consider the application after receiving the Court Commissioner's report. Till today, the Court Commissioner's report is not accepted and therefore, the impugned order calls for interference.

Hence, he seeks to set aside the impugned order by allowing the writ petition.

4. *Per contra*, Sri.G.Ravishankar Shastry, learned counsel for the respondent No.4 supports the impugned order of the Trial Court and submits that the Trial Court, considering all the aspects including the earlier direction of this Court, has rejected the application which does not call for any interference. Hence, he seeks to dismiss the writ petition.

5. I have heard the arguments of the learned counsel for the petitioner, learned counsel for the respondent No.4 and meticulously perused the material available on record. I have given my anxious consideration to the submissions advanced on both the sides.

6. The material on record indicates that Sri.B.Subramanya Bhat and others filed a suit in O.S.No.47/1976 for partition and separate possession of suit Schedule 'A', 'B' and 'C' properties. The Trial Court

decreed the suit on 30.01.1980 in respect of Schedule 'A' and 'B' properties. The final decree proceedings were initiated in FDP No.4/2004. The petitioner filed an application in I.A.No.14 filed under Section 151 of the Code of Civil Procedure, 1908, seeking for deletion of Schedule 'B' property from the final decree proceedings on the ground that the said property is a Government property which was given on lease for 30 years and the lease had also come to an end. It is not in dispute that the suit schedule property was a Government property, given on lease and formed part of the preliminary decree. It is also not in dispute that neither of the parties to the suit laid a claim with regard to the ownership of the suit schedule property and now the lease period has come to an end during the pendency of these proceedings. In my considered view, no prejudice would be caused to the petitioner under the impugned order.

7. The Trial Court, considering the directions issued by this Court in an earlier round of litigation

recorded a clear finding that the lease granted in favour of the defendant No.1 Sri.B.V.Venkataramana Bhat on behalf of the joint family, has come to an end and the petitioner has failed to produce any document before the Court to substantiate that the leased properties were taken back by the Government after the expiry of the lease period and proceeded to hold that the right to enjoy the property would be as per the preliminary decree. I am of the considered view that the said finding of the Trial Court is strictly in consonance with the material on record and does not call for any interference. It is to be noticed that till the Government takes the physical possession of the Schedule 'B' property, the said property cannot be sought to be deleted from the final decree proceedings as whatever right recognized in the preliminary decree shall be conferred on the parties to the suit in the final decree proceedings.

8. For the aforementioned reasons, I proceed to pass the following:

ORDER

The writ petition is devoid of merits and the same is accordingly rejected.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 27