CNR: KAHC010113082024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 5604 OF 2024 (GM-CPC)

BETWEEN:

1. SRI. SRIRAMAPPA
   S/O LATE MYAKALA MUNIVENKATAPPA,
   AND CHIKKA MUNIYAMMA,
   AGED ABOUT 68 YEARS,

2. SMT. KANAKAMMA
   W/O LATE MUNIVENKATAPPA,
   AGED ABOUT 72 YEARS,

3. SRI. SRINIVASAPPA
   S/O LATE MYAKALA MUNIVENKATAPPA,
   AND CHIKKA MUNIYAMMA,
   AGED ABOUT 65 YEARS,

   ALL ARE RESIDING AT
   ALANGURU VILLAGE,
   MULABAGAL TALUK,
   KOLAR DISTRICT-563 102.

...PETITIONERS

(BY SRI. NARAYANA SWAMY.P.M., ADVOCATE)

Digitally signed by SUMATHY KANNAN
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AND:

1. SMT.SHIVAMMA
   D/O LATE CHINNAPPA,
   AGE ABOUT 57 YEARS,
   R/AT WARD NO.23,
   RAHAMATH NAGAR,
   VIJIPURA DEVANAHALLI TALUK,
   BANGALORE RURAL DISTRICT-562 110.

SMT. LAKSHMAMMA
DEAD BY HER LRS,

2. SMT. GANGOTHRI,
D/O LATE LAKSHMAMMA,
AGED ABOUT 29 YEARS,
R/AT DODDABELAVANGA
VILLAGE AND HOBLI,
DODDABALLAPURA TALUK,
BANGALORE RURAL DISTRICT-561 205.

3. SMT. SUPRIYA
D/O LATE LAKSHMAMMA,
AGED ABOUT 24 YEARS,
R/AT NO.113, GOWDARA BEEDHI,
K.K.PET, SHIDLAGHATTA TOWN,
CHIKKABALLAPURA DISTRICT-562 101.

4. SRI. HARISH
S/O LATE NAGAMMA,
AGED ABOUT 33 YEARS,
R/AT C BLOCK, KURUBARA BEEDHI,
NARASAPURA VILLAGE, NARASAPURA HOBLI,
KOLAR TALUK AND DISTRICT-563 101.

5. SRI. AVINASH
S/O LATE ANASUYAMMA,
AGED ABOUT 25 YEARS,

6. SRI. PAVAN
S/O LATE ANASUYAMMA,
AGED ABOUT 23 YEARS,

RESPONDENTS NO.5 & 6
R/AT NO.113, GOWDARA BEEDHI,
K.K.PET, SHIDLAGHATTA TOWN,
CHIKKABALLAPURA DISTRICT-562 101.

7. SMT. GIRIJAMMA
W/O LATE MUNIRAJA,
AGED ABOUT 48 YEARS,

8. UMA RANI
D/O LATE MUNIRAJA,
AGED ABOUT 30 YEARS,

9. SUMALATHA
D/O LATE MUNIRAJA,
AGED ABOUT 25 YEARS,

10. SHIVAKUMAR
S/O LATE MUNIRAJA,
AGED ABOUT 27 YEARS,

RESPONDENTS NO.7 TO 10 ARE
R/AT BEHIND POST OFFICE,
NARASAPURA VILLAGE,
NARASAPURA HOBLI,
KOLAR TALUK AND DISTRICT-563 101.

…RESPONDENTS

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THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER AT ANNEXURE-A DTD 02.01.2024 ON I.A.NO.4 UNDER ORDER 1 RULE 10(2) R/W SEC 151 OF CPC IN FDP NO.13/2018 PASSED BY THE HON'BLE II ADDITIONAL SENIOR CIVIL JUDGE AND CJM AT KOLAR. CONSEQUENTLY ALLOW THE I.A.NO.4 AT ANNEXURE-D FILED UNDER ORDER 1 RULE 10(2) OF CPC BY THE PETITIONERS AND PERMITTED TO IMPLEAD THEM IN FDP NO. 13/2018 PROCEEDINGS.

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

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

1. This petition seeks to challenge an Order dated 02.01.2024 passed by the learned II Additional Senior

Civil Judge and JMFC, Kolar, in an application [I.A.No.4] in F.D.P.No.13/2018 [hereinafter referred to as the "Impugned Order"]. By the Impugned Order, an application [I.A.No.4] filed under Order I Rule 10 of the Code of Civil Procedure, 1908 [hereinafter referred to as the "CPC"] has been dismissed.

2. The only contention that is raised by the petitioners/ applicants is that the petitioners/applicants are the members of a joint family, in terms of the genealogical tree.

3. An examination of the application [I.A.No.4] that is on record does not reflect any such contentions. The application merely states that the applicants be permitted to implead themselves as respondents No.5 to 7, as they are necessary parties. In the affidavit, the averment, once again, is that the suit filed was not within their knowledge and that they are joint family members and are entitled to an equal share in the suit schedule properties. It is also

stated that one Venkataswamappa was the moolapurusha of the joint family and he had two children.

4. The learned Trial Court examined the application [I.A.No.4] filed and found that a suit in O.S.No.218/2015 was filed by the children of Chinnappa, stating that Chinnappa was the only son of Venkataswamappa and that after the death of Venkataswamappa, his only son Chinnappa, who has five children were the plaintiffs and defendants in O.S.No.218/2015. The learned Trial Court further found that in the judgment passed in the suit filed, it does not disclose that Venkataswamappa also had a daughter by name Chikkamuniyamma or that Chikkamuniyamma had died leaving behind her legal heirs who have sought to be impleaded. The learned Trial Court further held that there were no documents produced by the petitioners/applicants to show that they are the children of Chikkamuniyamma. Thus, the application has been dismissed.

5. The learned counsel for the petitioners/plaintiffs, submits that he does not, in fact, have the documents to prove his lineage. In these circumstances, this Court is not inclined to interfere with the Impugned Order.

6. The petition is, accordingly, ***dismissed***. All pending applications stand closed.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

BMV*
List No.: 1 Sl No.: 15