HC-KAR

NC: 2026:KHC:20794
W.P. No.9447/2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.9447/2021 (GM-CPC)

BETWEEN:

1. SMT. SHASHIKALA
   AGED ABOUT 65 YEARS
   W/O LATE K. MOHANDAS.

2. RANJITHA .K
   AGED ABOUT 46 YEARS
   S/O LATE K. MOHANDAS.

3. SAMITH
   AGED ABOUT 43 YEARS
   S/O LATE K. MOHANDAS.

   ALL ARE R/AT SMRITHI
   OPP. RAMANATH RICE MILL
   KODAKKAL, PADIL POST
   MANGALORE
   D.K DISTRICT-575007.

...PETITIONERS

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

Digitally signed by RUPA V
Location: HIGH COURT OF KARNATAKA

AND:

1. MRS. SHABHA RAGHUTHAMAN
   W/O DR. O. RAGHUTHAMAN
   AGED ABOUT 65 YEARS.

2. MRS. K. BHANUMATHI
   D/O K.S. ACHUTHAN

AGED ABOUT 61 YEARS.

BOTH ARE R/AT PRASHANTHI
PATRO LANE, KARANGALPADY
KODIALBAIL POST, MANGALORE
D K DISTRICT-575007.

3. MR. SUDHIR KADRI
PROP M/S. LIQUID LOUNGE
AND ATLAS TAILORS
KSA BHARATH MAHAL BUILDING
BALMATTA ROAD
HAMPANKATTA, MANGALORE
D K DISTRICT-575001.

…RESPONDENTS

(BY SRI. UDAYA PRAKASH MULIYA, ADV., FOR R1 & R2
R3 SERVED AND UNREPRESENTED)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 10.02.2021 PASSED ON IA NO.10 IN OS NO.443 OF 2015 ON THE FILE OF 2ND ADDITIONAL SENIOR CIVIL JUDGE AND CJM MANGALORE AS PER ANNEXURE A AND CONSQUENTLY ALLOW IA NO.10 AS PRAYED FOR & ETC.

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

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

ORAL ORDER

This petition is filed challenging the order dated 10.02.2021 passed on IA.No.10 in OS.No.443/2015 by the

II Additional Senior Civil Judge and CJM, Mangalore (for short 'the trial Court').

2. Heard Sri.Sachin B. S., learned counsel appearing for the petitioners, Sri.Udaya Prakash Muliya, learned counsel appearing for respondent Nos.1 to 3 and meticulously perused the material available on record.

3. The petitioners filed an application under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC') in OS.No.443/2015 seeking to implead themselves as plaintiffs on the ground that the husband of petitioner No.1, Sri.K.Mohandas, is the brother of the original owner, Sri.K.Krishnamoorthy, who died issueless and the husband of petitioner No.1 being the class II heir is entitled to continue the suit against the tenant. The trial Court rejected the said application on the ground that the petitioners have to work out their remedies in appropriate proceedings elsewhere. It is to be noticed that Smt.Shobha Raghuthaman and

Smt.K.Bhanumathi had filed a suit for eviction and mesne profits against the tenant in respect of the suit schedule property. The contention of the petitioners herein is that the husband of petitioner No.1 is the brother of the original owner Sri.K.Krishnamoorthy, who died issueless and as such, husband of petitioner No.1 is a class II heir and therefore, they have a right and interest over the suit schedule property and seeks permission to implead in the said suit. However, the question whether the petitioners have any right over the suit schedule property is required to be established in appropriate independent proceedings. In the absence of any such attempt, a mere application for impleadment in a suit for ejectment does not arise. The trial Court, considering the same has rightly dismissed the application. I do not find any error in the order of the trial Court. It is also to be noticed that the rejection of the application by the trial Court or the dismissal of the writ petition shall not come in the way of the petitioners from agitating their independent rights in accordance with law.

In view of the above, the writ petition is devoid of merits accordingly, the same is ***rejected***.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 18