HC-KAR

NC: 2026:KHC:61957
WP No. 23779 of 2026

CNR: KAHC010521192026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 23779 OF 2026 (GM-CPC)

BETWEEN:

1. SRI DHARMOJIRAO,
   S/O LATE GOURAJJI HANAMANTHAPPA
   AGED ABOUT 64 YEARS,
   R/AT KITTADAHALLI VILLAGE
   SHIKARIPURA TALUK
   SHIVAMOGGA DISTRICT-577427

...PETITIONER

(BY SRI KENDULI S.M., ADVOCATE)

AND:

Digitally signed by VIJAYA P
Location: High Court of Karnataka

1. SRI KRISHNAPPA
   S/O RANGAPPA
   AGED ABOUT 53 YEARS
   R/AT KITTADAHALLI VILLAGE
   SHIKARIPURA TALUK
   SHIVAMOGGA DISTRICT-577427

2. SRI NARASIMHAPPA
   S/O SHANKARAPPA
   AGED ABOUT 50 YEARS
   R/AT KITTADAHALLI VILLAGE
   SHIKARIPURA TALUK
   SHIVAMOGGA DISTRICT-577427

...RESPONDENTS

(BY SRI S. SIDDALINGAIAH, ADVOCATE FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 22.06.2026 PASSED ON I.A. NO.IV IN O.S. NO.38/2022, PRODUCED AS ANNEXURE-A, ALLOW I.A. NO.IV FILED BY THE PETITIONER UNDER ORDER I RULE 10(2) CPC AND DIRECT THE TRIAL COURT TO IMPLEAD THE PETITIONER AS DEFENDANT NO.2 IN O.S. NO.38/2022 AS ANNEXURE.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

1. The present petition impugns the order dated 22.06.2026 passed in O.S. No. 38/2022, whereby the application filed under Order I Rule 10(2) of the CPC, seeking to implead the petitioner herein as defendant No. 2, came to be rejected.

2. Learned counsel for the petitioner submits that the petitioner is the owner of land bearing Sy. No. 6/3, measuring 2 acres and 12 guntas, and has instituted a suit in O.S. No. 160/2023 against both the plaintiff and the defendant on account of their alleged interference with the said property. It is further submitted that the present suit has been instituted in collusion with a view to deprive the petitioner of his rights over the land bearing Sy. No. 6/3. It is contended that, in order to

protect the petitioner's rights and interests, the petitioner is a proper and necessary party to O.S. No. 38/2022.

3. Per contra, learned counsel appearing for the caveator/respondent No. 1 submits that the subject matter of the two suits comprises different properties and that the properties do not even share common boundaries. It is submitted that the present suit relates to land bearing Sy. No. 6/1. It is further contended that it is for the plaintiff to implead such parties as may be necessary for adjudication of the suit. Merely because the petitioner has a dispute with the defendant in the present suit, the petitioner cannot claim to be a necessary party to the proceedings.

4. Considered the submissions made by the learned counsel for the parties and perused the material on record.

5. The application for impleadment is filed on the premise that the properties which are the subject matter of the two suits are adjacent to each other and that any decree passed in O.S. No. 38/2022 would have a direct bearing on the petitioner's rights over land bearing Sy. No. 6/3.

6. On perusal of the suit schedules in both the suits, it is evident that the properties which form the subject matter of the two suits are neither adjacent to each other nor have any immediate connection. The suit schedule property in O.S. No. 38/2022 is land bearing Sy. No. 6/1, measuring 1 acre and 10 guntas, whereas the subject matter of O.S. No. 160/2023 is land bearing Sy. No. 6/3, measuring 2 acres and 12 guntas. Applying the principle of dominus litis, it is for the plaintiff to seek appropriate reliefs and implead such parties as may be necessary for the adjudication of the cause of action pleaded in the suit.

7. In that view of the matter, this Court finds that the Trial Court was justified in rejecting the application. No grounds are made out warranting interference with the impugned order.

8. Accordingly, the writ petition stands ***dismissed***.

SD/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 1 Sl No.: 4