HC-KAR

NC: 2026:KHC:60678
WP No. 24276 of 2026

CNR: KAHC010528092026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 24276 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. VENKATAMMA
   W/O KRISHNAPPA
   AGED ABOUT 72 YEARS,
   R/AT NO.63, HUTHANAHALLI VILLAGE,
   CHIKKAJA HOBLI, BENGALURU NORTH TALUK,
   BENGALURU - 562 157.

…PETITIONER

(BY SRI. RAMAIAH GOWDA L M., ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. SRI. GANTA NARAHARI,
   S/O G.B. KRISHNA MURTHY,
   AGED ABOUT 38 YEARS,
   R/AT NO.17, 2ND CROSS, 8TH MAIN,
   RMV EXTENSION, SADHASHIVANAGAR,
   BENGALURU - 560 080.

2. M/S SHRIVISION UPSCALE SPACES PVT LTD
   NO.31,OLD NO.92, 2ND MAIN ROAD,
   T.CHOWDAIH ROAD,
   SADASHIVNAGAR,
   BENGALURU - 560 080.
   REP BY ITS AUTHORIZED SIGNATORY,
   R. SARANYA DEVI.

…RESPONDENTS

(BY SRI. PRASANTH V.Y. ADV FOR R2)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUION OF INDIA PRAYING TO QUASHING THE ORDER DATED 15.06.2026 PASSED BY THE PRL. SENIOR CIVIL JUDGE AND JMFC AT ANEKAL ON IA NO.2 IN SUIT OS NO. 175/2026, PRODUCED AS ANNX-J AND ALLOW THIS WP.

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

The present petition impugns the order dated 15.06.2026 passed on I.A. No. 2, whereby respondent No. 2, the subsequent purchaser, was impleaded as a party to the suit.

2. Learned counsel for the petitioner submits that the suit is one for partition. In the said suit, the Trial Court, upon an application filed under Order XXXIX Rules 1 and 2 of the CPC, restrained the defendants from alienating the suit property or creating any third-party interest therein. However, in violation of the said order of injunction, a sale deed was executed in favour of respondent No. 2.

2.1 It is contended that the subsequent purchaser ought not to be impleaded as a party to the partition suit, as such impleadment would alter the nature of the suit.

3. *Per contra*, learned counsel appearing for respondent No. 2, the applicant before the Trial Court, submits that, having purchased the suit property, respondent No. 2 is a necessary party to the pending partition suit. It is further contended that respondent No. 2, being a bona fide purchaser, is entitled to be impleaded as a party to the suit.

4. Considered the submissions made by the learned counsel for the parties.

5. The impugned order is bereft of adequate reasons. The reasons assigned by the Trial Court are insufficient to justify the impleadment of respondent No. 2 as a party to the partition suit. Keeping open all contentions urged by the parties, this Court is inclined to allow the petition, set aside the impugned order, and direct the Trial Court to reconsider and adjudicate the application afresh in accordance with law.

6. In view of the above, the following :

ORDER

I. The writ petition is ***allowed***.

II. The impugned order dated 15.06.2026 is hereby ***set aside***.

III. I.A. No. 2, filed under Order I Rule 10(2) of the Code of Civil Procedure, seeking impleadment of respondent No. 2 herein, is ***restored*** to the file of the Trial Court.

IV. The Trial Court is directed to expedite the consideration of the said application and dispose of the same in accordance with law.

Sd/-
(K. V. ARAVIND)
JUDGE

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List No.: 1 Sl No.: 15