HC-KAR

NC: 2026:KHC:62238
WP No. 34316 of 2026

CNR: KAHC010754632026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 34316 OF 2026 (GM-CPC)

BETWEEN:

1. SRI A.M. MAYANNA
S/O M. MADAIAH,
AGED ABOUT 53 YEARS,
ALSO R/AT. APS STORES,
KEMPEGOWDA SCHOOL ROAD,
GANGANNA BADAVANE, SANNAKI BAYALU,
VRUSHABHAVATHI NAGARA,
VRUSHABHAVATHI NAGARA WARD,
BANGALORE - 560 079.

2. SRI. A.M. KUMARA,
S/O M. MADAIAH,
AGED ABOUT 50 YEARS,
NOW AT CENTRAL PRISON AT BELLARY,

(REP. BY ITS ATTORNEY HOLDER,
AND HIS ELDER BROTHER,
SRI. A.M. MAYANNA, THE PLAINTIFF NO.1).,

3. SRI. A.M. RAVI,
S/O M. MADAIAH,
AGED ABOUT 45 YEARS,
ALL ARE RESIDING AT
ANKANATHAPURA VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571428.

...PETITIONERS

(BY SRI. DEVARAJ A.S., ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI M. MADAIAH
S/O LATE MAYANNA @ KUNTEGOWDA,
SINCE DEAD BY HIS LRS.

SMT. SAMPATHAMMA,
W/O LATE M. MADAIAH,
AGED ABOUT 76 YEARS,
RESIDING AT ANKANATHAPURA VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571428.

(SINCE ALSO DEAD BY HER LRS ARE
THE PETITIONERS AND THE RESPONDENT NO.10
TO 13, WHO ARE ALREADY ON RECORDS,
EXCEPT THESE NO OTHER LRS LEFT)

SRI. A.M. MADAIAH,
S/O LATE A.M. MADAIAH,
AGED ABOUT 74 YEARS,
R/AT NO. 2842, 5TH CROSS,
14TH MAIN ROAD, RPC LAYOUT, VIJAYANAGAR,
BANGALORE 560040.

ALSO AT :
ANLANATHAPURA VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571 428.

2. SMT. MANCHAMMA,
D/O. A.M. MADAIAH,
W/O. BILLAIAH,
AGED ABOUT 76 YEARS,
R/AT. KAAMIDODDI VILLAGE,
NIDASALE DAKLE, HULIYURUDURGA HOBLI,
KUNIGAL TALUK,
TUMAKUR DISTRICT - 572130.

3. SRI. A.M. MAYANNA,
S/O LATE A.M. MADAIAH
AGED ABOUT 70 YEARS,
R/AT. ANKANATHAPURA VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571428.

4. SRI. A.M. BORAIAH @ A.M. BORE GOWDA,
SINCE DEAD BY HIS LRS.

SMT.GEETHA,
W/O. LATE. A.M. BORAIAH @A.M. BOREGOWDA,
AGED ABOUT 48 YEARS,

5. SRI. NIKITH,
S/O. LATE. A.M. BORAIAH @A.M. BOREGOWDA,
AGED ABOUT 20 YEARS,

BOTH ARE RESIDING AT NO.20,
MAHALAKSHMI TENT HOUSE CROSS,
8TH MAIN, GANESHA BLOCK,
NANDINI LAYOUT, BANGALORE - 560 096.

ALSO AT
ANKANATHAPURA VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571428.

6. SRI. A.M. CHIKKAPUTTAIAH @CHIKKAPUTTA,
S/O LATE A.M. MADAIAH
AGED ABOUT 66 YEARS,
R/AT 59/1, SUBRAMANYA NAGARA,
7TH CROSS, PIPE LINE,
BANGALORE - 5600003.

ALSO AT
ANKANATHAPURA VILLAGE, ATHAGURU HOBLI,
MADDUR TALUK, MANDYA DISTRICT - 571428.

7. SRI. A.M. MAYIGAYYA,
S/O. LATE. A.M. MADAIAH,
AGED ABOUT 62 YEARS,
R/AT. RAJANNA BUILDING,
VINAYAKA NAGARA, 3RD CROSS,
MAGADI MAIN ROAD,
VRUSHABHAVATHI NAAGAR,
BANGALORE - 560079.

ALSO AT
ANKANATHAPURA VILLAGE,
ANTHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571428.

8. SRI. A.M. RAMESH,
S/O LATE. A.M. MADAIAH,
AGED ABOUT 60 YEARS,
R/AT. NO. 25, 1ST MAIN ROAD,
PIPE LINE, MALLESHWARAM,
BANGALORE - 560003

ALSO AT
ANKANATHAPURA VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571428.

9. SMT. GOWRAMMA,
D/O. LATE. A.M. MADAIAH,
W/O KARIYAPPA,
AGED ABOUT 58 YEARS,
NIDSALE DAKHALE, HULIYURUDURGA HOBLI,
KUNIGAL TALUK,
TUMKUR DISTRICT - 572130.

10. SMT. MANCHAMMA,
W/O. LATE. KALAIAH B.C.,
D/O. LATE. M. MADAIAH,
AGED ABOUT 65 YEARS,
R/AT BYRANAYAKANAHALILI VILLAGE,
HULIYURUDURGA HOBLI,

KUNIGAL TALUK,
TUMKUR DISTRICT - 572130.

11. SMT. GOWRAMMA,
W/O. BETTASWAMY,
D/O. LATE M. MADAIAH,
AGED ABOUT 60 YEARS,
R/AT PALACE HONNAMACHANAHALLI VILLAGE,
HULIYURUDURGA HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT - 572130.

12. CHIKKAMMA @ MADHUSHREE,
D/O LATE M. MADAIAH,
AGED ABOUT 52 YEARS,
R/AT ANKANATHAPURA VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571428.

13. SMT. SHASHIKALA,
W/O. NARAYANA,
D/O. LATE. M. MADAIAH,
AGED ABOUT 47 YEARS,
R/AT BASAVALINGANA DODDI VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571428.

14. SMT. M.C. SAROJA,
W/O. SRI. A.M. MADAIAH,
AGED ABOUT 62 YEARS,
R/AT NO.2842, 8TH 'F' CROSS,
14TH MAIN ROAD, RPC LAYOUT,
VIJAYANAGARA, BANGALORE - 560040.

ALSO AT:
ANKANATHAPURA VILLAGE,
ATHAGURU HOBLI MADDUR TALUK,
MANDYA DISTRICT - 571428.

15. SRI. MAHESH,
S/O. SRI. A.M. MADAIAH,

AGED ABOUT 32 YEARS,
R/AT NO. 2842, 8TH 'F' CROSS,
14TH MAIN ROAD, RPC LAYOUT,
VIJAYANAGARA, BANGALORE - 560040.

ALSO AT:
ANKANATHAPURA VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK,
MANDYA DISTRICT - 571428.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION PRAYING TO CALL FOR ENTIRE RECORDS IN O.S. NO.3/2014 ON THE FILE OF THE 1ST ADDL SENIOR CIVIL JUDGE AND JMFC AT MADDUR AND ISSUE WRIT OF CERTIORARI OR ORDER OR DIRECTION IN THE FORM OF WRIT TO QUASH THE ORDER DATED 05.09.2026 PASSED BY THE 1ST ADDL. SENIOR CIVIL JUDGE AND JMFC AT MADDUR IN O.S. NO.3/2014 REJECTING THE IA NO.52 UNDER ORDER 14 RULE 5 R/W SECTION 151 OF CPC FOR SEEKING FRAME ADDITIONAL ISSUES PRODUCED UNDER ANNEXURE-A AND ETC,.

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 is filed challenging the order dated 05.09.2026, whereby the application filed under Order XIV Rule 5 of the Code of Civil Procedure, seeking framing of additional issues, has been rejected.

2. Learned counsel appearing for the petitioners submits that the Trial Court has not framed issues in respect of the 'D' schedule properties, which are claimed to be the self-acquired properties of defendant Nos.2 to 9, 14 and 15. It is submitted that, having regard to the defence raised by the defendants, and in the absence of appropriate issues being framed in that regard, the petitioners filed the application seeking framing of additional issues. It is further submitted that the Trial Court, without appreciating the grounds urged in support of the application, has erroneously rejected the same.

3. Considered the submissions made by learned counsel for the petitioner and perused the material on record.

4. The suit, instituted in the year 2014, is one for partition and separate possession and other consequential reliefs. The

Trial Court framed issues on 14.05.2020 and additional issues on 30.05.2023. It is evident from the impugned order that the suit was also the subject matter of W.P. No.34645/2025, which pertained to the amendment of the plaint, wherein this Court had issued a direction for expeditious disposal of the suit within a period of six months. The Trial Court has recorded that the present application came to be filed when the suit was taken up for expeditious disposal in view of the timeline stipulated by this Court.

5. The impugned order does not warrant interference on two grounds. Firstly, the application seeking framing of additional issues was filed in the year 2026. Secondly, additional issues came to be framed on 30.05.2023. The direction for expeditious disposal of the suit was issued by this Court only in the year 2025. No justifiable grounds have been made out to explain the delay in seeking the framing of additional issues.

6. Moreover, the burden is on the plaintiff to establish that the suit schedule properties are ancestral and joint family properties. An issue to that effect has already been framed,

which would also encompass the properties described in the 'D' schedule. It is a settled position of law that the initial burden lies on the party asserting that the properties are ancestral and joint family properties. Only thereafter would the burden shift to the defendant who claims that the properties are his self-acquisitions. This position has been rightly observed by the Trial Court. The issues already framed sufficiently cover the matters sought to be raised by way of the additional issues under the impugned application.

7. Upon perusal of the issues already framed by the Trial Court and the additional issues sought to be raised under the impugned application, this Court finds no error or infirmity in the impugned order warranting interference.

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

SD/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 2 Sl No.: 11