



CNR: KAHC010417192022

NC: 2026:KHC:41110  
W.P. No.18198/2022

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 5<sup>TH</sup> DAY OF AUGUST, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL**  
**WRIT PETITION NO.18198/2022 (GM-CPC)**

**BETWEEN:**

SMT. LAKSHMAMMA  
W/O APPAYYANNA  
D/O LATE MUNISHAMAPPA  
AGED 53 YEARS  
R/AT. AVATHI VILLAGE, KASABA HOBLI  
DEVANAHALLI TALUK 562110  
BENGALURU RURAL DISTRICT.

PRESENTLY R/AT NO.309  
KALLESHWARA NILAYA, AMRUTHAHALLI  
SAHAKARANAGAR (P) B -92.

...PETITIONER

(BY SRI. B. RAMESH, ADV.,)

**AND:**

SRI. NARAYANAPPA  
SINCE DEAD REP. BY HIS LRS.

1. SMT. AKKALAMMA  
W/O LATE NARAYANAPPA  
AGED ABOUT 90 YEARS  
R/AT AVATHI VILLAGE, KASABA HOBLI  
DEVANAHALLI TALUK 562110  
BENGALURU RURAL DISTRICT.
2. SMT. MALLIKA  
D/O LATE NARAYANAPPA  
AGED ABOUT 68 YEARS  
R/AT ARSANAHALLI VILLAGE

Digitally signed  
by RUPA V  
Location: HIGH  
COURT OF  
KARNATAKA



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SUILIBELE HOBLI  
HOSAKOTE TALUK 562129  
BENGALURU RURAL DISTRICT.

3. SRI. LAKKAPPA  
D/O LATE NARAYANAPPA  
AGED ABOUT 65 YEARS  
R/AT AVATHI VILLAGE, KASABA HOBLI  
DEVANAHALLI TALUK 562110  
BENGALURU RURAL DISTRICT.
4. SRI. KRISHNAMURTHY  
W/O LATE NARAYANAPPA  
AGED ABOUT 62 YEARS  
R/AT AVATHI VILLAGE, KASABA HOBLI  
DEVANAHALLI TALUK 562110  
BENGALURU RURAL DISTRICT.
5. SRI. VENKATESH  
W/O LATE NARAYANAPPA  
AGED ABOUT 59 YEARS  
R/AT AVATHI VILLAGE, KASABA HOBLI  
DEVANAHALLI TALUK 562110  
BENGALURU RURAL DISTRICT.
6. SMT. JYOTHI  
D/O LATE NARAYANAPPA  
AGED ABOUT 55 YEARS  
R/AT ARSANAHALLI VILLAGE  
SUILIBELE HOBLI, HOSKOTE TALUK-562129  
BENGALURU RURAL DISTRICT.
7. SMT. MANJULA  
D/O LATE NARAYANAPPA  
AGED ABOUT 53 YEARS  
R/AT PRASHANTH NAGAR  
CHIKKABALLAPURA TALUK 562101  
CHIKKABALLAPURA DISTRICT.
8. SRI. NAGARAJ  
S/O LATE MUNISHAMAPPA  
AGED ABOUT 60 YEARS  
R/AT AVATHI VILLAGE, KASABA HOBLI



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DEVANAHALLI TALUK 562110  
BENGALURU RURAL DISTRICT.

9. SMT. NARAYANAMMA  
D/O LATE MUNISHAMAPPA  
AGED ABOUT 73 YEARS  
R/AT DASARAHALLI VILLAGE, KASABA HOBLI  
DEVANAHALLI TALUK 562110  
BENGALURU RURAL DISTRICT.
10. SMT. RATHNAMMA  
D/O LATE MUNISHAMAPPA  
AGED ABOUT 55 YEARS  
R/AT. AVATHI VILLAGE, KASABA HOBLI  
DEVANAHALLI TALUK-562110  
BENGALURU (R) DIST.
11. SMT. SHANTHAMMA  
AGED ABOUT 57 YEARS  
D/O LATE MUNISHAMAPPA  
R/AT. BYATARAYANAPURA VILLAGE  
YELAHANKA HOBLI, BENGALURU 64.
12. SMT. MUNIYAMMA  
W/O LATE MALLANNA  
AGED ABOUT 70 YEARS  
R/AT AVATHI VILLAGE, KASABA HOBLI  
DEVANAHALLI TALUK 562110  
BENGALURU RURAL DIST.
13. SMT. LAKSHMAMMA  
D/O LATE MALLANNA  
AGED ABOUT 43 YEARS  
R/AT AVATHI VILLAGE, KASABA HOBLI  
DEVANAHALLI TALUK 562110  
BENGALURU RURAL DIST.
13. SMT. RATHNAMMA  
W/O MUNISH KUMAR  
D/O APPAYANNA  
AGED 28 YEARS  
R/A NO.32, 11TH WARD  
NEAR DARARAYA SWAMY TEMPLE



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ABACHIKKANAHALLI 562110  
BENGALURU RURAL DISTRICT.

...RESPONDENTS

(BY SRI. SANTHOSH, ADV., FOR  
SRI. M.S. VARADARAJAN, ADV., FOR R14  
V/O/DTD:13.09.2022, R1 TO R13 ARE D/W)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DTD.27.7.2022 PASSED ON IA NO.10 BY THE LEARNED PRINCIPAL CIVIL JUDGE JMFC DEVANAHALLI WHICH IS PRODUCED AND MARKED AS ANNEXURE-E BY DISMISSING THE IA NO.10 FILED BY THE PROPOSED DEFENDANT NO.9 & 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 writ petition is filed challenging the order dated 27.07.2022 passed on IA.No.10 in OS.No.527/2007 by the Principal Civil Judge and JMFC, Devanahalli (for short 'the trial Court').

2. Heard Sri.B.Ramesh, learned counsel for the petitioner, Sri.Santhosh, learned counsel appearing for Sri.M.S.Varadarajan, learned counsel for respondent No.14 and meticulously perused the material on record.



3. Respondent Nos.1 to 7 herein filed a suit in OS.No.527/2007 seeking the relief of partition, wherein the petitioner herein was arrayed as defendant No.3. During the pendency of the said suit, one Smt.Rathnamma, respondent No.14 herein, filed an application under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking impleadment on the ground that Sri.Muniswamy and Smt.Chikka Pillamma had sold the property under a registered sale deed dated 02.02.1996 in favour of her mother, Smt.Lakshamma, who, from the date of purchase, became the absolute owner in possession of the suit schedule property and revenue records were mutated in her name. It is further deposed that after the death of her mother Smt.Lakshamma, the respondent No.14/applicant is in the peaceful possession and enjoyment of the property. The said application was opposed by the plaintiffs in the suit by contending that a false affidavit has been sworn by the applicant, and



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Smt.Lakshmamma is alive and contesting the proceedings. The petitioner - Smt.Lakshmama, who is defendant No.3 in the suit, has produced two death certificates. Names of the deceased in both the death certificates are shown as Lakshmamma and in one certificate, the date of death is shown as 04.05.1999, while in other it is shown as 23.02.2003.

4. It is contented that the place of death mentioned in both the death certificates is different and that the first death certificate, produced as Annexure-D1 was used by the very same respondent No.14/applicant to get the mutation changed in her name by fraudulent representation. Be that as it may, the petitioner/defendant No.3 herself has filed the present writ petition contending that by misrepresentation of facts, the applicant - Smt.Rathnamma, had filed an application claiming to be her legal representative of the petitioner. In my considered view, the contention of the petitioner requires consideration, and the trial Court has committed a grave



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error in allowing the application for impleadment without assigning any reasons, particularly when specific objections had been raised by some of the parties to the suit that defendant No.3 is alive and the applicant is not the legal heir of defendant No.3. Accordingly, I proceed to pass the following:

**ORDER**

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 27.07.2022 passed on IA.No.10 in OS.No.527/2007 by the Principal Civil Judge and JMFC, Devanahalli is hereby set aside. Consequently, IA.No.10 filed by respondent No.14 under Order I Rule 10(2) of the CPC is rejected.  
No order as to costs.

Sd/-  
(VIJAYKUMAR A. PATIL)  
JUDGE