



CNR: KAHC010462372022

NC: 2026:KHC:41114
W.P. No.20271/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 5TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.20271/2022 (GM-CPC)

BETWEEN:

SMT. PUTTARASAMMA @ THAYAMMA
W/O LATE CHINNAGIRIGOWDA
SINCE DIED ON 22-08-2019 BY HER LRS.

DATHATHREYA S. GOWDA
S/O LATE PUTTANARASAMMA
AGED ABOUT 22 YEARS
R/AT NO.298, 4TH MAIN ROAD
2ND BLOCK, 3RD PHASE, JUDGES COLONY
BASAVESHWARANAGARA
BENGALURU 560017.

...PETITIONER

(BY SRI. HARISH N.R. ADV., FOR
SRI. PATEL D. KAREGOWDA, ADV.,)

AND:

1. SMT. MUDDAHANUMAKKA
W/O LATE GOVINDAPPA
AGED ABOUT 80 YEARS.
2. SMT. REVAMMA
W/O LATE SHESHAPPA
AGED ABOUT 60 YEARS
DAUGHTER IN LAW OF 1ST DEFENDANT
MUDDAHANUMAKKA.
3. SRINIVASA
S/O LATE GOVINDAPPA

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



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AGED ABOUT 65 YEARS.

4. SMT. VENKATALAKSHMI
D/O LATE GOVINDAPPA
AGED ABOUT 62 YEARS.
5. SMT. MALLAMMA
W/O LATE THIMMARAIHAH
AGED ABOUT 80 YEARS.
6. SRI. NARAYANAPPA
S/O LATE THIMMARAIHAH
AGED ABOUT 68 YEARS.
7. SRI. KRISHNAPPA
S/O LATE THIMMARAIHAH
AGED ABOUT 66 YEARS.
8. SMT. LAKSHMAMMA
W/O LATE VENKATESHA
DAUGHTER IN LAW OF LATE
THIMMARAIHAH
AGED ABOUT 55 YEARS.
9. SRI. MUNIRAJU
S/O LATE VENKATESHA
AGED ABOUT 35 YEARS.
10. SRI. HONNAPPA
S/O LATE VENKATESHA
AGED ABOUT 32 YEARS.
11. SRI. GIRIYAPPA
S/O LATE THIMMARAIHAH
AGED ABOUT 62 YEARS.
12. SMT. NARAYANAMMA
D/O LATE THIMMARAIHAH
AGED ABOUT 90 YEARS.



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13. SMT. THIMMAKKA
D/O LATE THIMMARAI AH
AGED ABOUT 58 YEARS.
14. SMT. RATHNAMMA
D/O LATE THIMMARAI AH
AGED ABOUT 55 YEARS.
15. SMT. NARASAMMA
D/O LATE THIMMARAI AH
AGED ABOUT 52 YEARS.
16. SRI. GOVINDAPPA
D/O LATE CHINNAGIRIYAPPA
AGED ABOUT 58 YEARS.
17. SMT. LAKSHMAMMA @ THAYAMMA
DAUGHTER IN LAW OF
LATE GIRIYAPPA
W/O LATE RAMAIAH
AGED ABOUT 80 YEARS.
18. SMT. BYRAMMA
D/O LATE RAMAIAH
AGED ABOUT 60 YEARS.
19. SRI. THIMMAIAH
S/O LATE RAMAIAH
AGED ABOUT 58 YEARS.
20. SMT. KARIYAMMA @ LAKSHMAMMA
D/O LATE RAMAIAH
W/O NARASIMHAIAH @ KUNTAPPA
AGED ABOUT 56 YEARS
R/AT DYAVALLINGAIAHNA PALYA
HEJJALA DAKLE, BIDADI HOBLI
RAMANGAGARA TALUK 562159.
21. SMT. RATHNAMMA
D/O LATE RAMAIAH



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AGED ABOUT 54 YEARS.

22. SRI. GOVINDARAJU
D/O LATE RAMAIAH
AGED ABOUT 50 YEARS.

RESPONDENT NOS.1 TO 19, 21 AND 22
ARE R/AT KEMPADAPANAHALLI VILLAGE
BIDADI HOBLI
RAMANAGARA TALUK AND DISTRICT.

23. SRI LAKKAPPA
S/O LATE THIMMAIAH
AGED ABOUT 110 YEARS.

24. SMT. MANGAMMA
W/O URAGAIAH
AGED ABOUT 60 YEARS
R/AT RAMAIAHNA KULUME PALYA
HIPPAADI POST
HULIYURU DURGA HOBLI
KUNIGAL TALUK-572130
TUMAKURU DISTRICT.

25. SMT. ASWATHAMMA
W/O LATE THIMMAIAH
AGED ABOUT 50 YEARS.

26. SMT. SHANTHAMMA
W/O LATE NARASIMHAIAH
AGED ABOUT 50 YEARS.

27. SRI. K.V. SRINIVASA
S/O LATE VENKATARAMAYAPPA
AGED ABOUT 50 YEARS.

RESPONDENT NOS.23 TO 25 TO 27 ARE
R/AT KEMPADAPANAHALLI VILLAGE-562159
BIDADI HOBLI
RAMANAGARA TALUK AND DISTRICT.



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28. SMT. K.V. PUTTAMMA
W/O L. SURESH
AGED ABOUT 48 YEARS
R/AT 15/5, 12TH MAIN
SHIVANAGARA
BENGALURU-560010.
29. SMT. REVAMMA
W/O LATE KRISHNAPPA
AGED ABOUT 70 YEARS.
30. SRI. T. VENKATARAMANAI AH
S/O LATE THIMMAIAH
AGED ABOUT 40 YEARS.
- RESPONDENT NOS.29 TO 30 ARE
R/AT DODDERI VILLAGE-572227
THAVAREKERE HOBLI
BENGALURU SOUTH TALUK.

...RESPONDENTS

(BY SRI. B.V. KRISHNAPPA, ADV., FOR R16
V/O/DTT:24.11.2022, NOTICE TO R1 TO R15 & R17 TO R30
ARE D/W)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER
DTD 25.3.2021 PASSED BY THE LEARNED PRINCIPAL SENIOR
CIVIL JUDGE AND CJM, RAMANAGARAM ON I.A. NO.NIL DTD
11.3.2020 FILED BY THE PETITIONER UNDER ORDER 22 RULE
3 OF THE CPC IN OS.NO.223/2010 VIDE ANENXURE-F TO THE
WRIT PETITION & 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



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ORAL ORDER

This writ petition is filed challenging the order dated 25.03.2021 passed in OS.No.223/2010 by the Principal Senior Civil Judge and CJM, Ramanagaram (for short 'the trial Court').

2. Heard Sri.Harish N.R., learned counsel appearing for Sri. Patel D. Karegowda, learned counsel for the petitioner, Sri.B.V.Krishnappa, learned counsel for respondent No.16 and meticulously perused the material available on record.

3. One Smt.Puttanarasamma, now deceased, filed OS.No.223/2010 against the respondents herein seeking relief of partition and separate possession of the suit schedule property claiming one-fourth share therein. Defendant No.16 filed a written statement contending that he is the son of late Sri.Chinnagiriappa born to the second wife, whereas the plaintiff is the first wife of late Sri.Chinnagiriappa. During the pendency of the said suit,



the plaintiff passed away on 22.08.2019. Thereafter, the petitioner herein filed an application under Order XXII Rule 3 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking to be impleaded as the legal representative of the deceased plaintiff. The said application was opposed by defendant No.16. The trial Court, under the impugned order dismissed the said application mainly on the ground that the petitioner/applicant claims to be the adopted son of the deceased plaintiff and that, being a widow, the deceased plaintiff had no power to adopt a child during her lifetime.

4. The primary contention of the learned counsel for the petitioner is that the trial Court ought not to have recorded the finding with regard to the correctness of the adoption and the said issue is required to be gone into by the trial Court while deciding the suit on merits. In my considered view, the said contention requires consideration.



5. It is to be noticed that the deceased Smt.Puttanarasamma filed a suit in the year 2010 and she passed away on 22.08.2019. The petitioner has placed on record a registered deed of adoption dated 24.11.2014 in support of his claim that he is the adopted son of the deceased plaintiff. Based on such adoption deed, the petitioner seeks to come on record as the legal representative of the deceased plaintiff.

6. In my considered view, the petitioner is required to be brought on record as the legal representative of the deceased plaintiff as the suit is for partition and separate possession, keeping open the correctness of the adoption. The trial Court has committed a grave error in recording the findings on the deed of adoption. In the absence of any challenge to the same, the said issue is required to be gone into by the trial Court in a pending suit. Accordingly, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.



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ii. The impugned order dated 25.03.2021 passed in OS.No.223/2010 by the Principal Senior Civil Judge and CJM, Ramanagaram is hereby set aside. Consequently, the petitioner's application filed under Order XXII Rule 3 of the CPC is allowed.

iii. The petitioner is permitted to come on record as a legal representative of the deceased plaintiff.

iv. The petitioner shall file amended plaint before the trial Court within three weeks from the date of receipt of the copy of this order.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 27