



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.19304/2019 (GM-CPC)

BETWEEN:

SRI. VENKATESHAIAH
S/O SRI. MODALAPPA
AGED ABOUT 70 YEARS
R/AT. BHUVANAHALLI VILLAGE
KASABA HOBLI, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.



...PETITIONER

(BY SRI. GANAPATHY BHAT VAJRALLI, ADV.,)

AND:

1. SRI. M. KRISHNAPPA
S/O LATE DODDAMUNIYAPPA @ SOTTAPPA
NOW DECEASED BY HIS LRS.
- 1(a) SMT. SUSHEELAMMA
W/O LATE M. KRISHNAPPA
AGED ABOUT 60 YEARS.

SINCE DECEASED, LR'S
1(b) TO 1(e) IS ALREADY ON RECORD.

[AMENDMENT CARRIED AS PER ORDER
DATED 30.06.2025]

- 1(b) SMT. K. MEENAKSHI
D/O LATE M. KRISHNAPPA
W/O LATE PRAKASH
AGED ABOUT 42 YEARS
R/AT. BHUNAHALLI VILLAGE
KASABA HOBLI



**DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.**

- 1(c) SRI. K. SURESH BABU
S/O LATE M. KRISHNAPPA
AGED ABOUT 41 YEARS
R/AT. BHUNAHALLI VILLAGE
KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.
- 1(d) SRI. K. RAVICHANDRA
S/O LATE M. KRISHNAPPA
AGED ABOUT 35 YEARS
R/AT. BHUNAHALLI VILLAGE
KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.
- 1(e) KUMARI K. KUSUMA
D/O LATE M. KRISHNAPPA
AGED ABOUT 30 YEARS
R/AT. BHUNAHALLI VILLAGE
KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.
2. SRI. THIMMARAYAPPA
S/O LATE DODDAMUNIYAPPA @ SOTTAPPA
AGED ABOUT 74 YEARS
R/AT. BHUNAHALLI VILLAGE
KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.
3. SRI. GOPALAPPA
S/O LATE DODDAMUNIYAPPA @ SOTTAPPA
AGED ABOUT 70 YEARS
R/AT. BHUNAHALLI VILLAGE
KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.
4. SRI. NARAYANAPPA
S/O LATE DODDAMUNIYAPPA @ SOTTAPPA



AGED ABOUT 66 YEARS
R/AT. BHUNAHALLI VILLAGE
KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.

5. SRI. M. MURALIDHARA
S/O M. MUNISHAMAPPA @ PAPANNA
AGED ABOUT 54 YEARS
R/AT BHUNAHALLI VILLAGE
KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.

...RESPONDENTS

(BY SRI. ANANTH KUMAR C, ADV., FOR R1 (b-e)
SRI. S. KALYAN BASAVARAJ, ADV., FOR R5
R2 TO R4 SERVED
R1(a) -DECEASED R1(b to e) ARE
LEGAL REPRESENTATIVE'S OF R1(a) V/O/DTD:30.06.2025)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI BY QUASHING THE IMPUGNED ORDER DATED 26.03.2019 IN I.A.NO.3 IN FDP NO.6/2010, PASSED BY THE PRINCIPAL CIVIL JUDGE AND J.M.F.C., AT DEVANAHALLI, AS PER ANNEXURE-A. CALL FOR THE ENTIRE RECORDS IN FDP NO.6/2010, PENDING BEFORE THE PRINCIPAL CIVIL JUDGE AND J.M.F.C., AT DEVANAHALLI.

THIS PETITION HAVING BEEN HEARD AND RESERVED ON 14.07.2025, COMING ON FOR PRONOUNCEMENT OF ORDER, THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL



ORAL ORDER

This writ petition is filed challenging the order dated 26.03.2019 passed on I.A.No.3 filed by the petitioner under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908, in FDP No.6/2010, on the file of the Principal Civil Judge and JMFC, Devanahalli Taluk.

2. Heard.

3. Sri.Ganapathy Bhat, learned counsel for the petitioner submits that the petitioner is the owner of land measuring 26 guntas in Sy.No.42/1A of Bhuvanahalli Village, Kasaba Hobli, Devanahalli Taluk, as per the boundaries shown in the sale deed. It is submitted that the petitioner filed a suit for declaration and injunction in O.S.No.233/2001 which was decreed and as per the decree, the petitioner is in possession and enjoyment of the suit schedule property. It is further submitted that the petitioner filed an application to effect petitioner's name in the revenue record. The jurisdictional Tahsildar, vide order dated 15.12.2005 directed to enter the name of the petitioner to an extent of 26 guntas. The said order is based on the survey sketch at Annexure-E. The



respondents assailed the said order before the Assistant Commissioner who has set aside the order of the Tahsildar. The Deputy Commissioner, in the revision proceedings confirmed the order of the Tahsildar. It is also submitted that the petitioner filed an application to implead himself as a party in FDP No.6/2010 on the ground that the petitioner's property is involved in the said final decree proceedings. However, the Trial Court, without appreciating the material on record, rejected the said application. It is contended that the boundary will prevail over the extent and as per the boundaries shown in the judgment and decree, the petitioner is a necessary and proper party in the final decree proceedings and therefore, the FDP Court can hold enquiry and take decision based on the evidence adduced by the parties. Hence, he seeks to allow the petition.

4. *Per contra*, Sri.S.Kalyan Basavaraj, learned counsel for the respondent No.5 supports the impugned order of the Trial Court and submits that the Tahsildar in the revenue proceedings, without looking into the sale deed ordered to enter the name of the petitioner to an extent of 26 guntas



which was reversed by the Assistant Commissioner. It is submitted that by playing fraud, the petitioner and others in a revision petition, filed an application under Order XXIII Rule 4 of the CPC and based on such illegal compromise, the revision petition came to be allowed by affirming the order of the Tahsildar. It is further submitted that the respondent No.5 was not a party to the proceedings before the Deputy Commissioner. The petitioner filed a writ petition in W.P.No.31262/2018 challenging the order passed by the Deputy Commissioner which came to be allowed and the impugned order was set aside. It is also submitted that the petitioner cannot claim more extent than what he has purchased in the sale deed. The judgment and decree obtained by the petitioner has attained finality and as per the decree, the petitioner is the owner in possession of only 9 guntas of the land and considering these aspects, the Trial Court rejected the application for impleadment which does not call for any interference.

5. I have heard the arguments of the learned counsel for the petitioner, learned counsel for the respondent No.5 and



perused the material available on record. I have given my anxious consideration to the submissions advanced on both the sides.

6. The pleading and material on record indicates that the petitioner filed O.S.No.233/2001 against the respondent No.5 seeking the relief of declaration and permanent injunction. The said suit came to be decreed on 11.03.2004. A perusal of the decree indicates that the subject matter of the suit was an agricultural land situated at Bhuvanahalli Village, Kasaba Hobli, Devanahalli in Sy.No.42/1A with boundaries shown and the extent is 9 guntas. Admittedly, the decree obtained by the petitioner against the respondent No.5 is for the schedule referred in the decree. The sale deed on record also indicates that the petitioner is the owner to an extent of 9 guntas of the land in the aforesaid survey number. The petitioner has initiated the revenue proceedings before the Tahsildar. Ultimately, the said proceedings ended in the decision of this Court in W.P.No.31262/2018, wherein the writ petition filed by the respondent No.5 was disposed of and the order of the Deputy Commissioner dated 09.10.2017 in R.P.No.192/2017-



18 was set aside except to the extent of 9 guntas. All these aforesaid facts indicate that the petitioner is the owner in possession of 9 guntas of land in Sy.No.42/1A of the Bhuvanahalli Village, Kasaba Hobli, Devanahalli Taluk. The respondent No.1 filed FDP No.6/2010 in O.S.No.233/2001 seeking his demarcated share. In the said proceedings, the petitioner filed an application under Order I Rule 10 read with Section 151 of the CPC seeking for impleadment on the ground that he is the owner in possession of 26 guntas of the land in Sy.No.42/1A of Bhuvanahalli Village, Kasaba Hobli, Devanahalli Taluk, contending that boundaries referred in the decree and the sale deed would prevail but not the extent. The Trial Court rejected the said application by recording the reason that as per the sale deed, the petitioner purchased only 9 guntas of the land and no cogent material is placed to accept the contention that the petitioner is the owner of 26 guntas of the land. I do not find any error or perversity in the finding recorded by the Trial Court. The finding recorded by the Trial Court in its judgment and decree in O.S.No.233/2001, the schedule to the decree, the registered sale deed dated 08.03.1970 and other material on record clearly demonstrate that the petitioner has



failed to establish that he is the owner in possession of 26 guntas of the land in Sy.No.42/1A of Bhuvanahalli Village, Kasaba Hobli, Devanahalli Taluk. Hence, the petitioner is not a necessary and proper party in FDP No.6/2010.

7. For the aforementioned reasons, I proceed to pass the following:

ORDER

The writ petition is devoid of merits and the same is accordingly dismissed.

8. In view of the dismissal of the writ petition, the pending interlocutory application does not survive for consideration and is accordingly disposed of.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

RV
List No.: 1 SI No.: 1