

IN THE HIGH COURT OF KARNATAKA, **DHARWAD BENCH**

DATED THIS THE 20TH DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ **WRIT PETITION NO. 105989 OF 2025 (GM-CPC)**

BETWEEN:

SHRI CHUNDRI SAYIRAM S/O. LATE CHUNDRI PANASAIAH, AGE: 60 YEARS, OCC. AGRICULTURIST, R/O. MAGALA VILLAGE, TQ. HUVINHADAGALI, DIST. VIJAYANAGARA-583216.

...PETITIONER

(BY SRI. ROSHAN SAHEB CHABBI, ADVOCATE)

AND:

SMT.KAMALAVVA

W/O.SHANTHAVEERAIAH YARAGAMBLIMATH, AGE: 65 YEARS, OCC.: HOUSEHOLD WORK, R/O.: ANNIGERI, TQ.: NAVALAGUND,

DIST.: DHARWAD - 582 201.

2. SHRI RACHAYYA

S/O. GURUBASAIAH YARAGAMBALIMATH, AGE: 69 YEARS, OCC.: AGRICULTURIST, R/O.: ANNIGERI VILLAGE, TQ.: NAVALAGUND, DIST.: DHARWAD - 582 201.

3. SHRI REVANASIDDAIAH YARAGAMBALIMATH

S/O. LATE CHARAMURTHY SWAMY,

AGE: 74 YEARS, OCC.: AGRICULTURIST, R/O.: MAGALA VILLAGE, TQ.: HADAGALI,

NOW RESIDING AT:

ANNIGERI VILLAGE, TQ.: NAVALAGUND,

DIST.: DHARWAD - 582 201

4. SHRI YARAGAMABLIMATHADA RACHAIAH





S/O.LATE SADASHIVAIAH,

AGE: 69 YEARS, OCC.: AGRICULTURIST, R/O.: ANGUR VILLAGE, TQ.: HADAGALI,

DIST.: VIJAYANAGARA (OLD BALLARI DISTRICT) - 583 216.

5. SHRI YARAGAMBALIMATHAD PARAMESHWARAIAH

S/O.LATE SADASHIVAIAH,

AGE: 65 YEARS, OCC.: AGRICULTURIST, R/O.: ANGUR VILLAGE, TQ.: HADAGALI,

DIST.: VIJAYANAGARA (OLD BALLARI DISTRICT) - 583 216.

6. SMT.YARAGAMBALIMATHA VEERAMMA

W/O.SHEKARAIAH,

AGE: 79 YEARS, OCC.: HOUSEHOLD WORK, R/O.: RENUKASHARMA, TQ.: SHIRAGUPPA,

DIST.: BALLARI - 583 121.

7. SHRI YARAGAMBALIMATHADA SIDDALINGIAAH

S/O.LATE SHEKAIAH,

AGE: 49 YEARS, OCC.: AGRICULTURIST, R/O.: RENUKASHARMA, TQ.: SHIRAGUPPA,

DIST.: BALLARI - 583 121.

SHRIYARAGAMBALIMATHADA MAHADEVAYYA S/O.GURUBASAIAH, SINCE DECEASED REP. BY HIS LRS.,

8. SMT.YARAGAMBALIMATHADA HALAVVA

W/O.LATE MAHADEVAYYA,

AGE: MAJOR, OCC.: AGRICULTURIST,

R/O.: ANNIGERI VILLAGE, TQ.: NAVALAGUND,

DIST.: DHARWAD - 582 201.

9. SHRI MUTTAIAH YARAGAMBALIMATHADA

S/O.LATE MAHADEVAYYA,

AGE: MAJOR, OCC.: AGRICULTURIST,

R/O.: ANNIGERI VILLAGE, TQ.: NAVALAGUND,

DIST.: DHARWAD - 582 201.

10. SMT. Y. SHEKAVVA W/O.MAHESHWARAIAH,,

AGE: 61 YEARS, OCC.: HOUSEHOLD WORK,

R/O.: ANNIGERI VILLAGE, TQ.: NAVALAGUND,

DIST.: DHARWAD - 582 201.

11. SHRI YARAGAMBALIMATHADA SHIVANANDA



S/O.LATE MANJUNATHA,

AGE: 42 YEARS, OCC.: AGRICULTURIST,

R/O.: ANNIGERI VILLAGE, TQ.: NAVALAGUND,

DIST.: DHARWAD - 582 201.

12. SHRI YARAGAMBALIMATHADA ANAND

S/O.LATE MANJUNATH,

AGE: 40 YEARS, OCC.: AGRICULTURIST,

R/O.: ANNIGERI VILLAGE, TQ.: NAVALAGUND,

DIST.: DHARWAD - 582 201.

13. SHRI VIJAYANAND

S/O.LATE MANJUNATHA YARAGAMBALI MATHADA,

AGE: 37 YEARS, OCC.: OCC.: AGRICULTURIST, R/O.: ANNIGERI VILLAGE, TQ.: NAVALAGUND,

DIST.: DHARWAD - 582 201.

...RESPONDENTS

(NOTICE TO RESPONDENTS IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO ,i) ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 02.05.2025 PASSED BY THE LEARNED CIVIL JUDGE AND JMFC, HUVINAHADAGALI IN F.D.P.NO.7/2016, ON I.A.NO.II VIDE ANNEXURE-A ANDii) REJECT / DISMISS THE I.A.NO.II FILED BY THE RESPONDENT NO.2 HEREIN / PETITIONER NO.2 THEREIN IN F.D.P.NO.7/2016 ON THE FILE OF THE LEARNED CIVIL JUDGE AND JMFC, HUVINAHADAGALI (ANNEXURE-C) AND/ORiii) PASS ANY OTHER ORDER(S) AS THIS HONBLE COURT MAY DEEM FIT IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

- Notice to the respondents is dispensed with in view of the proposed order to be passed.
- 2. The petitioner is before this Court seeking for the following reliefs:
 - i) Issue a Writ of **Certiorari** quashing the Impugned order dated 02.05.2025 passed by the Learned Civil Judge and JMFC, Huvinahadagali in F.D.P.No.7/2016, on I.A.No.II vide **Annexure-A**; and
 - ii) Reject / Dismiss the I.A.No.II filed by the Respondent No.2 herein / Petitioner No.2 therein in F.D.P.No.7/2016 on the file of the learned Civil Judge and JMFC, Huvinahadagali (Annexure-C) and/or
 - iii) Pass any other order(s) as this Hon'ble Court may deem fit in the interest of justice and equity.
- 3. In the final decree proceedings in FDP No.7/2016, an application in IA No.2 had been filed to implead the petitioner as a party, on the ground that the petitioner is a purchaser of a portion of the property subject matter of the preliminary decree for partition,



after the preliminary decree was passed. It is the said order which is challenged before the Court.

- 4. The contention of the learned counsel for the petitioner is that without challenging the sale deed in favour of the petitioner, the petitioner could not be brought on record in the final decree proceedings and as such, the impugned order is required to be set aside.
- 5. It is not in dispute that the petitioner is a purchaser of a portion of the property subject matter of the suit for partition after the preliminary decree was passed.
- 6. In that view of the matter, I am of the considered opinion that there will be no requirement for seeking any declaration or the like in respect of a sale executed after the preliminary decree was passed.
- 7. Insofar as the petitioner is concerned, the petitioner was not even required to be made a party to the final decree proceedings. The decree holder having made

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the petitioner a party to the proceedings, the petitioner could always seek for allotment of the property sold in favour of the petitioner to his vendor in order seek to protect his interest.

8. Reserving such right, there being no infirmity in the order impleading the petitioner/purchaser, the petition stands **disposed**.

Sd/-(SURAJ GOVINDARAJ) JUDGE

SH CT:PA

List No.: 1 SI No.: 6