HC-KAR

NC: 2026:KHC-K:4482
WP No. 200742 of 2026

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.200742 OF 2026 (GM-CPC)

BETWEEN:

AMBADAS S/O. DADARAO SAGAVE
AGE: 52 YEARS OCC: AGRICULTURE,
R/O. INCHOOR VILLAGE
TQ. BHALKI DIST. BIDAR.

…PETITIONER

(BY SRI. PREETAM DEOGULKAR, ADVOCATE)

AND:

1. SHARANBASAPPA S/O. GURUSHANTAPPA PATIL,
   AGE: 75 YEARS OCC: AGRICULTURE,
   R/O. BASAVA NAGAR COLONY, BIDAR

2. RAHUL S/O. DEVIDAS SAGAVE,
   AGE: 25 YEARS, OCC: AGRICULTURE AND STUDENT

3. ROHIT S/O. DEVIDAS SAGAVE,
   AGE: 24 YEARS OCC: AGRICULTURE AND STUDENT

4. DEVIDAS S/O. DADARAO SAGAVE,
   AGE: 56 YEARS OCC: AGRICULTURE
   R2 TO R4 ARE R/O. INCHOOR VILLAGE,
   TQ. BHALKI DIST. BIDAR-585401)

…RESPONDENTS

(BY SMT. RAJESHWARI JAMADAR, ADVOCATE FOR R1;
NOTICE TO R2 TO R4 IS D/W)

Digitally signed by NIZAMUDDIN JAMKHANDI
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO 1) ISSUE A WRIT IN THE NATURE OF CERTIORARI TO SET ASIDE THE IMPUGNED ORDER ON I.A.NO.5 DATED 7TH JANUARY 2026 PASSED BY SENIOR CIVIL JUDGE AND JMFC AT BHALKI IN O.S.NO.134/2021, PRODUCED HEREWITH AS ANNEXURE-F. 2) ISSUE ANY WRIT, ORDER OR DIRECTIONS AS IS NECESSARY TO GET THE PETITIONER IMPLEADED IN THE SUIT IN O.S.NO. 134/2021 BEFORE THE SENIOR CIVIL JUDGE AND JMFC AT BHALKI. 3) PASS ANY OTHER OR WRIT OR DIRECTION AS IS NECESSARY IN CONSIDERATION OF THE FACTS AND CIRCUMSTANCES OF THE PRESENT PETITION.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the impleading applicant in OS No.134/2021 is directed against impugned order dated 07.01.2026, whereby the application IA No.V filed by the petitioner/impleading applicant under Order I Rule 10 r/w Section 151 of CPC seeking impleadment as additional defendant No.4 to the suit was rejected by the Trial Court.

2. Heard Learned counsel for the petitioner and learned counsel for respondent No.1 and perused the material on record.

3. For the order proposed, notice to respondent Nos.2 to respondent No.4 is dispensed with.

4. A perusal of the material on record will indicate that in the first instance, the petitioner has instituted a suit in OS No.48/2019 against the respondent No.1-Sri Sharanbasappa and other defendants for partition and separate possession of his alleged share in the suit schedule immovable properties and for other reliefs. The said suit is being contested by the defendants and is pending adjudication before the Trial Court.

5. During the pendency of the said suit, the respondent No.4, Devidas instituted a suit in OS No.59/2019 against his two sons Rahul and Rohit for partition and separate possession, which was compromised vide compromise decree dated 21.11.2019. Subsequently, the respondent No.1 herein instituted a suit in the instant suit in OS No.134/2021 in relation to the very same suit schedule property for declaration, permanent injunction and other reliefs.

6. In the said suit, the aforesaid Devidas was arrayed as defendant No.3, while his children Rahul and Rohit are arrayed as defendant Nos.1 and 2 respectively. In the said suit, the petitioner herein filed the instant application seeking impleadment on the ground that he was both a proper and necessary party to the said suit. Having regard to the fact that the petitioner had already instituted a suit in OS No.48/2019 against the respondent No.1-plaintiff in the present suit and for other reliefs, the said impleadment application having been opposed by the respondents, the Trial Court proceeded to pass the impugned order rejecting IA No.V, aggrieved by which petitioner is before this Court by way of the present petition.

7. Perusal of the material on record will indicate that it is an undisputed fact that the petitioner herein has already instituted suit in OS No.48/2019 against respondent No.1- Sharanbasappa and respondent No.4- Devidas in respect of the suit schedule property, which is

pending adjudication before the court of the Senior Civil Judge, Bhalki, Dist.Bidar. It is also a matter of record and undisputed fact that the respondent No.1 herein, Sharanbasappa has instituted a suit in OS No.134/2021 against Devidas-respondent No.4 herein and his two sons Rahul and Rohit for declaration, permanent injunction and other reliefs in respect of the very same suit schedule property.

8. Under these circumstances, having regard to the fact that both the suits are between the same parties and in respect of the very same suit schedule property, the petitioner would clearly be both proper and necessary party to the present suit and his application deserves to be allowed by issuing certain directions for clubbing the present suit along with OS No.48/2019, since both are pending before the very same court, that is the court of the Senior Civil Judge, Bhalki, Dist. Bidar, for disposal in accordance with law.

9. Accordingly, I pass the following:

ORDER

i. Writ petition is hereby ***allowed***.

ii. Impugned order dated 07.01.2026 is hereby set aside. The application, IA No.V filed by the petitioner is allowed and petitioner is permitted to be impleaded as additional defendant No.4 in OS No.134/2021.

iii. It is however made clear that impleadment of the petitioner as additional defendant No.4 in OS No.134/2021 shall not be construed or treated as expressing any opinion on the merits/demerits of the rival contentions and the same are kept open to be decided by the Trial Court, in accordance with law.

iv. Liberty is reserved in favour of the petitioner to file written statement and contest the said suit on merits.

v. Since OS No.48/2019 and the present suit in OS No.134/2021, are both pending before the very same court, that is the Senior Civil Judge, Bhalki, Dist. Bidar, the said Court is directed to club, consolidate, try and dispose of both the suits together in accordance to law.

vi. All rival contentions between all the parties in both the suits are kept open and no opinion is expressed on the merits/demerits of the rival contentions.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

NJ
LIST NO.: 2 SL NO.: 1
CT:SI