HC-KAR
NC: 2026:KHC:54741
RP No. 387 of 2026
CNR: KAHC010476882026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

REVIEW PETITION NO. 387 OF 2026

BETWEEN:

SMT. VINUTHA SOMASHEKAR
W/O SOMASHEKAR
AGED ABOUT 40 YEARS,
RESIDING AT KSRTC COLONY,
HOSUR MAIN ROAD
ANEKAL TOWN, ANEKAL TALUK,
BENGALURU DISTRICT - 562 106.

…PETITIONER

(BY SRI. RUPESH R, ADVOCATE AND
SRI. GOWTHAM S.R, ADVOCATE)

AND:

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

1. KUMARI. SONA G.S,
MINOR, AGED ABOUT 13 YEARS,
D/O LATE G.S. SHIVAPRASAD,
REP. BY HER NATURAL GUARDIAN MOTHER,
RESPONDENT NO.2

2. SMT. A.D. HEMA
W/O LATE G.S. SHIVAPRASAD
AGED ABOUT 43 YEARS,

OTH RESPONDENT NOS. 1 AND 2 ARE
R/AT GOPALANAHALLI VILLAGE,
SHETTIKERE HOBLI,

CHIKKANAYAKANAHALLI TALUK
TUMKUR DISTRICT - 572 226
NOW R/AT RAGHAVENDRA COLONY
TIPTUR TOWN, TIPTUR TALUK,
TUMAKURU - 572 201.

3. SRI. G.S. SIDDARAMAIAH
S/O SHIVANNA
AGED ABOUT 70 YEARS,
RESIDING AT GOPALANAHALLI VILLAGE
SHETTIKERE HOBLI,
CHIKKANAYAKANAHALLI TALUK
TUMKUR DISTRICT - 572 226.

4. SMT. SHASHIKALA
W/O PANCHAKSHARIAH,
D/O G.S. SIDDARAMAIAH,
AGED ABOUT 42 YEARS
R/AT VENKATESHWARA NAGARA,
BEHIND RAGHAVENDRA SAWMILL
KADUR TOWN, KADUR TALUK,
CHIKKAMAGALURU DISTRICT - 577 548.

5. SMT. SUVARNAMMA
W/O G.S. SIDDARAMAIAH
AGED ABOUT 66 YEARS,
RESIDING AT GOPALANAHALLI VILLAGE
SHETTIKERE HOBLI,
CHIKKANAYAKANAHALLI TALUK,
TUMKUR - 572 226.

…RESPONDENTS

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1 R/W SEC. 114 OF CPC, PRAYING TO ALLOW THIS REVIEW

PETITION AND REVIEW THE ORDER DATED 22.06.2026 PASSED IN WP NO.18584/2026 (DOCUMENT NO.1).

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

This Court, by order dated 22.06.2026, dismissed the writ petition No. 18584/2026, affirming the order of the executing Court. Therefore, the petitioner is before this Court seeking review of that order.

2. The petitioner who is defendant No.3, has filed an application, IA No.6, in FDP 1/2025 under Section 44 of the Transfer of Properties Act, read with Order XX Rule 18 of the CPC, to assign the shares of defendants Nos. 1, 2, and 4 in his favor. The application was dismissed by the Court, which observed that the sale deed dated 28.05.2020, executed by defendants Nos. 1, 2, and 4 in favor of defendant No.3 in respect of 4 acres 5 guntas in Item No.1, is not binding on the plaintiff's share. The Court further observed that when there is a specific finding, the Court cannot interfere with it. Aggrieved

thereby, he has filed the Writ Petition. This Court dismissed Writ Petition No.18584/2026 on 22.06.2026, observing that the document, i.e., the sale deed in favor of the petitioner, will not bind the plaintiff, and that there is no mention of defendant No.3 in the RA. The petitioner would have questioned the same by filing an appeal. But he cannot go before the Executing Court seeking the relief as prayed for.

3. Learned counsel appearing for the petitioner submits that his entitlement will be decided in the final decree proceedings. Even today, this Court specifically asked the learned counsel for the petitioner, when he was a party, how his rights are determined and what finding the Court would make regarding his sale deed. This Court has perused the judgment and decree passed in the appeal, wherein the Appellate Court has clearly found that the sale deed is not binding on the plaintiff, since the defendant Nos. 1, 2, and 4 do not deny the execution of the sale deed. The sale deed is binding on them, and with respect to their share, the sale deed is valid. As this finding of the Appellate Court in RA.No. 10005/2024 was not brought to the notice of the Court while

passing the order, the order dated 25.11.2024 needs to be reviewed. Accordingly, the order dated 22.06.2026 in WP.No. 18584/2026 is set aside, and the writ petition is restored to file.

List WP.No.18584/2026 before the Court having roster on 08.10.2026.

SD/-
(LALITHA KANNEGANTI)
JUDGE

BH
List No.: 1 Sl No.: 9
*AK