

(2026) 08 KAR CK 2262
In the Karnataka High Court, Bengaluru Bench
Case No : W.P. No.21652/2022

Smt. Shantha Kumari & Anr.

APPELLANT

Vs

Smt. Pillamma & Ors.

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Constitution of India — Article 227

Code of Civil Procedure, 1908 — Order VI Rule 17, Section 151

Citation : (2026) 08 KAR CK 2262

Hon'ble Judges : Vijaykumar A. Patil, J

Bench : Single Bench

Advocate : Sri. Basavaraju P, Sri. K. Vijaya Kumar

Final Decision : Allowed

Judgement

This petition is filed challenging the order dated 21.09.2022 passed on IA.No.7 in OS.No.6333/2015 by the XI Additional City Civil and Sessions Judge, Bengaluru City, (CCH-8), (for short 'the trial Court').

2. Heard Sri.Basavaraju P., learned counsel appearing for the petitioners, Sri.K.Vijaya Kumar, learned counsel appearing for respondent No.4 and meticulously perused the material available on record.

3. The petitioners filed a suit against the respondents seeking the reliefs of partition and separate possession, a declaration that the sale deed dated 20.08.2014, registered in the office of the Sub-Registrar, Banasawadi, Bengaluru in favour of defendant No.3 is null and void and not binding on the plaintiffs and relief of permanent injunction. In the said suit, the defendants filed their detailed written statements. Thereafter, the plaintiffs filed an application under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking amendment of the plaint by inserting new paragraph Nos.7(a) to 7(c) and sought amendment to the prayer (b) of the plaint, restricting the relief of declaration insofar item No.1 of the schedule of the sale deed. The said

application was opposed by defendant No.4. The trial Court, under the impugned order, rejected the application solely on the ground that the filing of application was to drag the proceedings and that the proposed amendment was unnecessary.

4. Firstly, it is required to be seen that the proposed amendment was sought even before the commencement of the trial, and as a matter of course, it ought to have been allowed. Secondly, by the proposed amendment, the plaintiffs are restricting their relief of declaration of sale deed only insofar as relating to item No.1 of the schedule to the sale deed. In my considered view, if such amendment is allowed, no prejudice would be caused to the other side, neither does it change the cause of action, nor would the amendment change the nature of the relief sought in the plaint. Accordingly, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The order dated 21.09.2022 passed on IA.No.7 in OS.No.6333/2015 by the XI Additional City Civil and Sessions Judge, Bengaluru City, (CCH-8), is hereby set aside. Consequently, IA.No.7 filed by the plaintiffs under Order VI Rule 17 of the CPC is allowed.
- iii. The petitioners shall file amended plaint within a period of three weeks from the date of receipt of the copy of this order.
- iv. It is needless to observe that the defendants can file an additional written statement, if any, to the aforesaid effect.