



CNR: KAHC010498372022

NC: 2026:KHC:41116
W.P. No.21652/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 5TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.21652/2022 (GM-CPC)

BETWEEN:

1. SMT. SHANTHA KUMARI
D/O LATE R. MUNIYAPPA
W/O SRI. GOPAL GOWDA
AGED ABOUT 53 YEARS
R/AT CHENNARAYAPATNA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562129.
2. SRI. SATISH
S/O LATE R. MUNIYAPPA
AGED ABOUT 47 YEARS
R.AT NO.19/2, L.B.S. NAGAR
K. NARAYANAPURA
DR. S.R.K. NAGAR POST
BENGALURU 560 077.

...PETITIONERS

Digitally signed
by RUPA V

Location: HIGH COURT OF KARNATAKA (BY SRI. BASAVARAJU P, ADV.,)

AND:

1. SMT. PILLAMMA
W/O LATE R. MUNIYAPPA
R/AT NO. 19/2, L.B.S NAGAR
K. NARAYANAPURA
DR. S.R.K NAGAR POST
BENGALURU 560 077.
2. SRI. ASHOK KUMAR
S/O LATE R. MUNIYAPPA



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AGED ABOUT 52 YEARS
R/AT NO. 19/2, L.B.S. NAGAR
K. NARAYANAPURA
DR. S.R.K NAGAR POST
BENGALURU 560 077.

3. SRI. N.T. SAGAR
S/O SRI. SADANANDA
AGED ABOUT 65 YEARS
R/AT NO. 77, 3rd CROSS
NANDIDURGA EXTENSION
NEAR JANATHA BAZAAR
BENGLAURU 560 046.

4. SRI. K. LOKESH
S/O LATE KRISHNAPPA
AGED ABOUT 49 YEARS
R/AT NAGARESHWARA
NAGENAHALLI VILLAGE
KRISHNARAJAPURA HOBLI
BENGALURU EAST TALUK - 560 077.

...RESPONDENTS

(BY SRI. K. VIJAYA KUMAR, ADV., FOR R4
R3 SERVED
V/O/DTD:03.11.2022, NOTICE TO R1 & R2 ARE D/W)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS IN O.S.NO.6333/2015 PENDING ON THE FILE OF THE XI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-8) AND QUASH THE ORDER ON I.A.NO.7 DTD 21.09.2022 IN O.S.NO.6333/2015 PASSED BY THE XI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-8) VIDE ANNEXURE-A AND CONSEQUENTLY ALLOW THE APPLICATION/IA NO.7 FILED UNDER ORDER VI RULE 17 R/W SEC. 151 OF THE CODE OF CIVIL PROCEDURE IN O.S.NO.6333/2015 FILED BY THE PLAINTIFFS VIDE ANNEXURE-D & ETC.



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

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

ORAL ORDER

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



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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



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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.



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iv. It is needless to observe that the defendants can file an additional written statement, if any, to the aforesaid effect.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 28