



CNR: KAHC010583642022

NC: 2026:KHC:41121
W.P. No.25493/2022

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.25493/2022 (GM-CPC)

BETWEEN:

SRI. IQBAL AHAMED
SON OF LATE ABDUL MAJID
AGED ABOUT 49 YEARS
R/AT BEHIND J.J. HOSPITAL MAIN ROAD
EDGHA MOHALLA
TUMAKURU CITY 572102.

...PETITIONER

(BY SRI. FAYAZ SAB B.G. ADV.,)

AND:

SRI. SANJAYA KUMAR
SON OF T.R. VISWANATH
AGED ABOUT 30 YEARS
R/AT GAVIRANGA ESTATE
HEGDE NAGAR
TUMAKURU CITY 572102.

...RESPONDENT

(RESPONDENT SERVED & UNREPRESENTED)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE IMPUGNED ORDER DATED 18.11.2022 MADE ON I.A. FILED UNDER ORDER 6 RULE 17 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE SEEKING FOR AMENDMENT OF PLAINT IN O.S.NO. 683/2018 , PENDING ON THE FILE OF IV ADDL. CIVIL JUDGE AND JMFC AT TUMAKURU, WHICH IS PRODUCED AND MARKED AS ANNEXURE -A & ETC.

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



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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 18.11.2022 passed in OS.No.683/2018 by the IV Additional Civil Judge and JMFC, Tumkur (for short 'the trial Court').

2. Heard Sri.Fayaz Sab B.G., learned counsel appearing for the petitioner and meticulously perused the material available on record.

3. Despite the service of notice, there is no representation for the respondent.

4. The respondent filed a suit in OS.No.683/2018 seeking the relief of permanent injunction against the petitioner herein. The petitioner/defendant filed a detailed written statement denying the averments made in the



plaint. Thereafter, the respondent/plaintiff filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking amendment of the plaint. The said application was opposed by the petitioner/defendant on the ground that the proposed amendment would change the cause of action as well as the nature of the relief sought. The trial Court, under the impugned order allowed the application.

5. It is to be noticed that the suit filed by the plaintiff is one for permanent injunction against the defendant. During the pendency of the suit, the plaintiff filed an application seeking amendment of the plaint to rectify certain mistakes which are in consonance with the registered gift deed dated 26.12.2016. The plaintiff contended that he and his sister had initially sold the property to Smt.Nusrath Bhanu under a registered sale deed dated 28.05.2012 and in return, she sold the property in favour of K.P.Sabira under a registered sale



deed dated 29.01.2014; and later, the said K.P.Sabira sold the suit schedule property to the father of the plaintiff, Sri.T.R.Vishwanath, who, in turn, gifted the suit schedule property in favour of the plaintiff under the registered gift deed dated 26.12.2016. The plaintiff further contended that, at the time of filing the suit, by oversight, the registered sale deeds and extent of the property were not correctly typed in the plaint. Considering the same, the trial Court allowed the application by recording the reasons that the proposed amendments were necessary to determine the real controversy between the parties and in order to avoid multiplicity of the proceedings. I do not find any error in the finding recorded by the trial Court under the impugned order calling for interference.

6. Insofar as the contention of the learned counsel for the petitioner is concerned that the proposed amendment introduces a new cause of action and changes the nature of the suit has no merit consideration, as the



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proposed amendment is nothing but narration of certain factual matrix based on the registered instrument, which would aid the trial Court in addressing the controversy between the parties. Accordingly, the writ petition is devoid of merits and the same is ***rejected***.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

ABK
List No.: 1 Sl No.: 33