



HC-KAR

NC: 2026:KHC:7941
WP No. 797 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 797 OF 2026 (GM-CPC)

BETWEEN:

SRI SANJAY KUMAR JAIN @ SANJAY
S/O HUKUM,ACHAND
AGED ABOUT 41 YEARS
RESIDING AT: AMARANATH TRADERS
VINOBA ROAD
SAKALESHAPURA TOWN - 573134

...PETITIONER

(BY SRI. B.M. HALASWAMY.,ADVOCATE)

AND:

SRI N.V. LOHITH
S/O S. M. VASANTH GOWDA
AGED ABOUT 46 YEARS
R/ AT NEGALAHALLI VILLAGE
DEVALAKERE POST, HANUBALU HOBLI
SAKALESHAPURA TALUK - 573134

...RESPONDENT

(BY SRI. SURESH V.,ADVOCATE)

THIS W P IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT AND SET ASIDE THE ORDER DATED 17-12-2025, ANNEXURE- A NO. 56/19, PASSED BY THE HON'BLE SENIOR CIVIL JUDGE AND JMFC AT BELUR, DISMISSING THE APPLICATION, IA NO.10 UNDER ORDER 6 RULE 17 R/W SECTION 151 OF CPC AND ALLOW THE WRIT 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 defendant in O.S.No.6/2019 on the file of the of Senior Civil Judge, Belur is directed against the impugned order dated 17.12.2025, whereby the application I.A.No.10 filed by the petitioner-defendant under Order VI Rule 17 CPC for amendment of the plaint was rejected by the trial Court.

2. Heard learned counsel for the petitioner and learned counsel for the respondent and perused the material on record.

3. A perusal of the material on record will indicate that the respondent-plaintiff instituted the aforesaid suit against the petitioner-defendant for specific performance and other reliefs in relation to the suit schedule immovable property. The said suit is being contested by the petitioner-defendant. After completion of evidence and at the stage of final arguments, the petitioner - defendant filed the instant application seeking amendment of the



written statement by incorporating paragraph 13(A). The said application having been opposed by the respondent, the trial court proceeded to pass the impugned order rejecting the application, aggrieved by which, the petitioner is before this Court by way of the present petition.

4. Learned counsel for the respondent on instructions submits that he has no objection for the impugned order to be set aside and the application for amendment to be allowed subject to the condition that the trial Court be directed to dispose of the suit within a stipulated time frame.

5. By way of reply, learned counsel for the petitioner submits that the petitioner has filed an application to recall PW1 for further cross-examination and the suit having been posted on 13.02.2026, the petitioner would complete the further cross examination of PW1 on that day the petitioner would not adduce any other further oral or documentary evidence and the trial Court may be directed to dispose of the suit within a stipulated time frame.



6. In view of the aforesaid facts and circumstances and joint submissions made by both sides, I deem it just and appropriate to set aside the impugned order and allow the amendment application I.A.No.10 and also the application filed by the petitioner to recall PW1 for further cross examination and issue further directions in this regard.

7. In the result, I pass the following:

ORDER

- i) The petition is hereby allowed.
- ii) The impugned order dated 17.12.2025 in O.S.No.6/2019 on the file of the Senior Civil Judge, Belur is hereby set aside.
- iii) I.A.No.10 under Order VI Rule 17 CPC stands allowed.
- iv) The petitioner shall carry out amendment and file amended written statement on the next date of hearing of the suit which is posted on 13.02.2026.



v) The respondent shall keep PW1 present on 13.02.2026 for further cross examination by the plaintiff by the petitioner-defendant.

vi) In the event PW1 is present before the trial Court on 13.02.2026, the petitioner shall complete the further cross examination of PW1 on 13.02.2026 without seeking adjournment under any circumstances whatsoever.

vii) It is made clear that the petitioner would not be entitled to adduce any further oral or documentary evidence in support of his defence.

viii) Immediately upon completion of further cross examination of PW1, the trial Court is directed to proceed further and dispose of the suit on or before 31.03.2026.

ix) All rival contentions on all aspects of the matter are kept/left open and no opinion is expressed on merits/demerits of the rival contentions.

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