



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 2622 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. G. HEMANNA
S/O SRI. N. GANGANARASIAH,
AGED ABOUT 62 YEARS.
R/AT NO.378/1, GANGOTRI COMPLEX,
8TH MILE STONE, HESARAGATTA CIRCLE,
NH-4, BENGALURU 560-073

ALSO AT: SRI G.HEMANNA
AGE ABOUT 62 YEARS
S/O SRI N GANGANARASIAH
NO.119, "DEEPA HARSHA NILAYA",
NELAGADARANAHALLI MAIN ROAD
BENGALURU - 560073

...PETITIONER

(BY SRI. KANTHARAJAPPA M G., ADVOCATE)



AND:

SRI. GOVINDAPPA
SINCE DEAD BY HIS LRS.

1. DR.MANJULA.G,
D/O LATE GOVINDAPPA,
W/O DR. SANTHOSH,
AGED ABOUT 53 YEARS,
R/AT NO.212, 1 FLOOR,
GOVINDAPPA GARDEN,
6TH MAIN. BHUVANESHWARINAGAR
T. DASARAHALLI, BENGALURU-560-057.



2. SMT.LAKSHMI.G
D/O LATE GOVINDAPPA,
W/O SRI. ANJANA MURTHY,
AGED ABOUT 50 YEARS.
R/AT NO.212, GROUND FLOOR,
GOVINDAPPA GARDEN, 6TH MAIN,
BHUVANESHWARINAGAR,
T.DASARAHALLI, BENGALURU-560-057.
3. SMT.PARVATHI.G
D/O LATE GOVINDAPPA,
W/O DR.JAYARAM,
AGED ABOUT 47 YEARS,
RESIDING AT 4TH FLOOR,
MCC INFINITY APARTMENTS,
NO. 32/B, 2ND CIRCULAR ROAD,
DOLLARS SCHEME, NANJUNDESHWARA NAGAR,
NANDINI LAYOUT, BENGALURU-560-096.
4. UKS LPG PVT.LTD
HAVING ITS OFFICE AT NO.73,
EAST PARK ROAD, 14TH CROSS
NEAR MLA COLLEGE, MALLESHWARAM,
BENGALURU-560-003
REPRESENTED BY ITS DIRECTORS
UPENDRA SHENOY, S.R.SANJAY,
NAMITHA SHETTY AND UDAYA SHETTY
[REGISTERED UNDER THE MICRO SMALL AND
MEDIUM ENTERPRISES DEVELOPMENT ACT 2006]
...RESPONDENTS

(BY SRI. SHIVAKUMARAPPA T C., ADVOCATE FOR R1
SRI.PRASANNA.D.P. ADV. FOR R2)

THIS W.P. IS FILED UNDER ARTICLES 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH ORDER PASSED
BY THE LEARNED LXIX ADDITIONAL CITY CIVIL AND SESSIONS
JUDGE, BENGALURU CITY (CCH 70) IN O.S.NO. 6351/2021
DTD. 03.01.2026 ON I.A.NO.4 PRODUCED AS ANNEX-E TO THE
WRIT PETITION AND ETC.,

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



CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by defendant No.1 in O.S.No.6351/2021 is directed against the impugned order dated 03.01.2026 passed on I.A.No.4, whereby the said application filed by the petitioner/defendant No.1 seeking amendment of the written statement was rejected by the trial Court.

2. Heard learned counsel for the petitioner, learned counsel for respondent No.1 and learned counsel for respondent No.2 and perused the material on record.

3. A perusal of the material on record will indicate that respondent Nos.1 to 3/plaintiff Nos.1(a) to 1(c) instituted the aforesaid suit against the petitioner/defendant No.1 and respondent No.4/defendant No.2 for eviction/ejectment and for other reliefs in relation to suit schedule immovable property. The said suit is being contested by the defendants. After commencement of trial, the petitioner/defendant No.1 having filed the instant application seeking amendment of written statement, the same came to be rejected by the trial Court vide impugned order, which is assailed in the present petition.



4. A perusal of the material on record including the impugned order will indicate that the trial Court failed to consider and appreciate that the proposed amendment was relevant and necessary for the purpose of adjudication of the issues in controversy between the parties.

5. Under these circumstances, in the light of the principles laid down by this Court in the case of **Mohammed Rafi Vs. Bande Nawaz** in **W.P.No.108512/2025 dated 16.12.2025**, I deem it just and appreciate to set aside the impugned order and allow I.A.No.4 and dispose of the petition by issuing certain directions.

6. In the result, the following:

ORDER

- i) Petition is hereby **allowed**.
- ii) Impugned order dated 03.01.2026 passed on I.A.No.4 in O.S.No.6351/2021 by LXIX Additional City Civil and Sessions Judge, Bengaluru City is hereby set aside
- iii) I.A.No.4 filed by the petitioner/defendant No.1 seeking amendment of the written statement is hereby allowed.



- iv) Liberty is reserved in favour of the plaintiffs to file reply/rejoinder to the amended written statement of petitioner/defendant No.1.
- v) The trial Court is directed to proceed further and dispose of the suit within a period of six months from the date of receipt of a copy of this order.
- vi) All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the same.

Pending Interlocutory applications, if any, stand disposed of.

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