



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. 6715 OF 2026 (GM-CPC)

BETWEEN:

1. VENKATESHAPPA
S/O MUNISWAMAPPA,
AGED ABOUT 72 YEARS
2. MURALIDHARA,
S/O VENKATESHAPPA,
AGED ABOUT 37 YEARS

ALL ARE R/AT NO. GUNDALAGURKI VILLAGE,
KASABA HOBLI, CHICKBALLAPURA - 562 101.

...PETITIONERS

(BY SRI. SUDHINDRA S A.,ADVOCATE)

AND:

SMT. MUNIYAMMA
SINCE DEAD BY LRS.

G M MANJUNATH,
S/O LATE MUNIYAPPA,
AGED ABOUT 46 YEARS
R/AT GUNDLAGUNKI VILLAGE.
KASABA HOBLI
CHICKBALLAPURA TALUK – 562 101.

...RESPONDENT

THIS W.P IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION
OF INDIA PRAYING TO-QUASH THE IMPUGNED ORDER DATED 23.02.2026
IN OS NO. 617/2023 VIDE ANNEXURE-K WHICH IS PENDING BEFORE THE
1ST ADDL. SENIOR CIVIL AND JMFC COURT CHICKBALLAPURA.

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 defendant Nos.1 and 2 in O.S.No.617/2023 is directed against the impugned order dated 23.02.2026 passed by the I Additional Senior Civil Judge and JMFC, Chickballapura (for short "the Trial Court"), whereby the memo filed by respondent No.1 – plaintiff No.2 was allowed 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 respondent No.1 was plaintiff No.2 in O.S.No.617/2023, in which Smt. Muniyamma was plaintiff No.1. It is a matter of record and an undisputed fact that the said plaintiff No.1, Muniyamma expired on 12.02.2026 during the pendency of the suit. In this context, it is pertinent to note that during her lifetime itself, in the plaint filed by her along with the respondent No.1-plaintiff No.2, the aforesaid Muniyamma has not only put forth a claim for partition in relation to the suit schedule properties, but she has also categorically stated that she had executed a registered Will dated 16.11.2012 in favour



of plaintiff No.2 as can be seen from para 3 of the plaint which reads as:

“ 3. The 1st plaintiff being aged person and she has lost her children and she is unable to look after the properties, hence she has executed a registered will in favour of the 2nd plaintiff on 16.11.2012 vide No.79/12-13. The 1st plaintiff is under the care and custody of the 2nd plaintiff and the 2nd plaintiff is looking after the welfare of the 1st plaintiff. Due to love and affection the 1st plaintiff has executed a registered will in favour of the 2nd plaintiff. There is no partition between the plaintiffs and defendants. Hence the plaintiffs have demanded their legitimate share with the defendants, but the defendants have not divided the properties. In that aspect the number of Panchayaths were held, but all efforts are went in vain.”

4. In view of the aforesaid specific assertion on the part of Muniyamma-plaintiff No.1 and Manjunath-plaintiff No.2, the said plaintiff No.2 filed a memo seeking permission to amend the cause title accordingly and to proceed with the suit. The said memo filed by plaintiff no. 2 is as under:

“The undersigned counsel for plaintiff submits that, it is hereby submitting that plaintiff No.1 by Name Muniyamma is dead leaving behind the legatee under a registered will executed in favour of 2nd plaintiff in the interest of justice and equity. The Hon’ble Court may be pleased to amend the



cause title and be pleased to proceed the case in the interest justice and equity.”

5. The said memo was accepted by the Trial Court, which directed amendment of the cause title to the plaint without passing any orders or rendering any findings either in favour of the said plaintiff No.2-Manjunath or against the petitioners herein, who are defendants Nos.1 and 2. In other words, the Trial Court has simply/merely accepted the memo filed by plaintiff No.2 and directed amendment of cause title without adjudicating upon the *interse* dispute or the rival contentions of the parties. The impugned order passed by the Trial Court is as under:

“ Case called. Counsel for plaintiff present.

Memo filed. Wherein it is sated that, plaintiff No.1 died. Legal heirs of plaintiff No.1 already on record who are the defendant No.1 and 2 in this case. Further it is stated that, the plaintiff No.2 is the beneficiary under the Will which is executed by the plaintiff No.1 in favour of plaintiff No.2.

Counsel for defendant present. Heard. Memo is taken on record. For amendment of cause title of paint.

Call on 03.03.2026.”

6. As can be seen from the impugned order, as stated *supra*, the Trial Court has merely accepted the memo filed by plaintiff No.2 and directed amendment of cause title and in the



absence of any finding recorded by the Trial Court as regards either upholding the claim of plaintiff No.2 on all aspects of the matter including the alleged Will or passing any adverse order as against the petitioners herein, who are the contesting defendant Nos.1 and 2 in the suit, it cannot be said that any prejudice would be caused to the petitioners by mere acceptance of the memo and direction being issued to amend the cause title for the purpose of proceeding further in the suit.

7. Under these circumstances, the impugned order passed by the Trial Court, merely accepting the memo and directing amendment of the cause title, it cannot be said that the impugned order passed by the Trial Court cannot be said to suffer from any illegality or infirmity nor can the same be said to be capricious or perverse or having occasioned failure of justice warranting interference by this Court in exercise of its jurisdiction under Article 227 of the Constitution of India as held by the Apex Court in the cases of ***Radhey Shyam Vs. Chhabi Nath – (2015) 5 SCC 423***, ***K.P. Natarajan Vs. Muthalammal – AIR 2021 SC 3443*** and ***Mohammed Ali Vs. Jaya – (2022) 10 SCC 477***.



8. Accordingly, I do not find any merit in the petition and the same is hereby disposed of without interfering with the impugned order. It is made clear that the impugned order accepting the memo and directing amendment of cause title shall not be considered or treated as expressing any opinion on the merits/demerits of the rival contentions. All rival contentions between G.M. Manjunath - plaintiff No.2 and the petitioners-defendants, on all aspects of the matter including the alleged Will dated 16.11.2012 are kept open to be decided by the Trial Court, in accordance with law and no opinion is expressed on the merits/demerits of the rival contentions.

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