



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 7931 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. SUNANDAMMA
W/O LATE SRI. M. RAMACHANDRAPPA
AGED ABOUT 65 YEARS.
2. SMT. INDRAMMA
D/O LATE M. RAMACHANDRAPPA
AGED ABOUT 45 YEARS,
3. SMT. PUSHPA
D/O LATE M. RAMACHANDRAPPA
AGED ABOUT 42 YEARS
4. SMT. HAMSA
D/O LATE M. RAMACHANDRAPPA
AGED ABOUT 40 YEARS.
5. SMT. ASHA
D/O LATE M. RAMACHANDRAPPA
AGED ABOUT 38 YEARS.

ALL ARE RESIDING AT NO.516,
PANTHARAPALYA, MUDDAPPA ROAD,
MYSORE ROAD, BENGALURU-5600.

...PETITIONERS

(BY SRI. RAHUL S. REDDY, ADVOCATE)





AND:

1. PUSHPA @ PUSHPAMMA
D/O LATE M. RAMACHANDRAPPA
AGED ABOUT 63 YEARS.
2. SRI. R. SURYA
S/O LATE M. RAMACHANDRAPPA
AGED ABOUT 68 YEARS.
3. R. MANJUNATH
S/O LATE M. RAMACHANDRAPPA
AGED ABOUT 35 YEARS

ALL ARE RESIDING AT NO.149,
RESIDING AT NO.111, J.K. FARM,
RVCE POST, DUBASIPALYA,
BANGALORE-560059.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI BY QUASHING THE ORDER DATED 06/01/2026 PASSED ON I.A.NO.6 IN O.S. NO.5461/2023 ON THE FILE OF THE XXIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH-30) VIDE ANNEXURE-E AND DISMISS THE I.A.NO.6.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD



ORAL ORDER

1. In this writ petition, the petitioners-defendants have called in question the order dated 06.01.2026 passed by the XXIX Additional City Civil and Sessions Judge, Bengaluru (hereinafter referred to as the 'Trial Court' for short) on I.A.No.6 filed under Order VI Rule 17 of CPC in O.S.No.5461/2023, whereby the said application has been allowed.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiffs filed a suit in O.S.No.5461/2023 before the Trial Court seeking the relief of partition and separate possession. After issuance of summons, the defendants appeared and filed the written statement. On the basis of the pleadings, the Trial Court framed issues and the matter was set down for recording evidence. At that stage, the plaintiffs filed I.A.No.6 under Order VI Rule 17 of CPC seeking amendment of the plaint to include a certain



property which was omitted at the time of filing of the suit. The Trial Court, by order dated 06.01.2026, allowed the said application. Aggrieved by the same, the present writ petition is filed.

4. Having heard the learned counsel for the parties and on perusal of the material on record, this Court finds that the suit filed by the plaintiffs are one for partition and separate possession. It is well settled that in a partition suit, all joint family properties are required to be brought on record for the purpose of effective adjudication of the dispute.

5. In the present case, the plaintiffs filed an application under Order VI Rule 17 of the CPC seeking amendment of the plaint to include a certain property which was omitted at the time of filing of the suit. The said application was filed before the commencement of evidence stage. Therefore, no serious prejudice would be caused to the defendants, as they would still have an opportunity to file



additional written statement and contest the matter on merits.

6. The Hon'ble Supreme Court in the case of ***Life Insurance Corporation of India v. Sanjeev Builders Pvt. Ltd. and another*** reported in ***(2022) 16 SCC 1*** has held that amendments to pleadings should be liberally allowed if they are necessary for determining the real question in controversy between the parties, provided no irreparable prejudice is caused to the other side.

7. Applying the said principles to the facts of the present case, this Court is of the view that inclusion of the omitted property is necessary for complete and effective adjudication of the partition suit. The amendment does not change the fundamental nature of the suit and only seeks to include the omitted property.

8. The Trial Court, after considering the above legal position, has rightly exercised its discretion in allowing the application. This Court does not find any perversity, illegality, or jurisdictional error in the impugned order



dated 06.01.2026 passed by the Trial Court on I.A.No.6
filed under Order VI Rule 17 of CPC in O.S.No.5461/2023.
Hence, no interference is warranted.

9. Accordingly, the writ petition is ***dismissed***.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

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List No.: 1 Sl No.: 19