



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 8001 OF 2026 (GM-CPC)

BETWEEN:

SRI BHASKARA
S/O LATE NARAYANA @ NARAYANAGOWDA
AGED ABOUT 44 YARS
R/O SHIVAPURA OLD KOPPA ROAD
MADDUR TOWN, KASABA HOBLI
MADDUR TQ, MANDAY DISTRICT-571428.

...PETITIONER

(BY SRI. SUBRAHMANYA DATTATRAY., ADVOCATE)

AND:

1. SRI UMESHA
S/O LATE NARAYANA
@ NARAYANAGOWDA
AGED ABOUT 43 YEARS
R/O GOLLARADODDI VILLAGE
KOPPPA HOBLI, MADDUR TALUK
MANDYA DISTRICT-571428.
2. SMT MAMATHA
D/O LATE NARAYANA @ NARAYANAGOWDA
W/O SHIVARAJU
AGED ABOUT 40 YEARS
R/O NO. 101, GORUND FLOOR
6TH MAIN, 16TH CROSS
J C NAGAR, BANGALORE-560 086.
3. SMT PUTTATHAYAMMA
W/O LATE NARAYANA @ NARAYANAGOWDA
AGED ABOUT 71 YEARS.





4. SMT YASHODA
D/O LATE NARAYANA @ NARAYANAGOWDA
AGED ABOUT 46 YEARS.
5. SMT BHARGAVI
D/O LATE NARAYANA @ NARAYANAGOWDA
AGED ABOUT 42 YEARS
R3 TO R5 ARE R/O SHIVAPURA OLD
KOPPA ROD, MADDUR TOWN
KASABA HOBLI, MADDUR TALUK
MANDYA DISTRICT-571428.

...RESPONDENTS

(BY SRI. BASAVARAJU P, ADVOCATE FOR C/R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER OR DIRECTION, SETTING ASIDE THE ORDER MADE IN I.A. NO.17 IN O.S. NO.477/2014 DATED: 27.02.2026 UNDER ORDER VI RULE 17 R/W S.151 OF CPC PASSED BY THE PRL. CIVIL JUDGE AND JMFC, MADDUR (ANNEXURE-F), BEING ARBITRARY, ERRONEOUS AND NOT SUSTAINABLE IN LAW AND ETC.

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 petitioner-defendant No.3 has called in question the order dated 27.02.2026 passed by the Prl. Civil Judge and JMFC, Maddur, on I.A.No.17 under Order VI Rule 17 read with Section 151 of CPC, in O.S.No.477/2014, whereby the said application has been rejected.



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.477/2014 for partition and separate possession. On service of summons, the defendants appeared through counsel and filed their written statement, contending that the suit schedule properties are the absolute properties of the defendants. On the basis of the pleadings of the parties, the Trial Court framed issues and posted the matter for evidence. After completion of evidence, defendant No.3 filed an application under Order VI Rule 17 read with Section 151 of CPC seeking amendment to the written statement. The Trial Court, by the impugned order dated 27.02.2026, dismissed the said application. Aggrieved by the same, the present writ petition is filed.

4. The learned counsel for the petitioner-defendant No.3 submits that the amendment sought to the written



statement is only in respect of what has already been pleaded and does not introduce any new facts on record. He further submits that the petitioner-defendant No.3 will not seek for reopening of any evidence if the amendment is permitted. It is also contended that allowing the amendment application would not cause any prejudice to the plaintiffs.

5. In that view of the matter, this Court is of the opinion that the writ petition deserves to be allowed and impugned order is liable to be set aside.

6. Accordingly, the following order is passed:

ORDER

- a) The writ petition is allowed.
- b) The impugned order dated 27.02.2026 passed by the Prl. Civil Judge and JMFC, Maddur, on I.A.No.17 filed by defendant No.3 under Order



VI Rule 17 read with Section 151 of CPC, in O.S.No.477/2014, is hereby set aside.

- c) I.A.No.17 filed by the defendant No.3 under Order VI Rule 17 of CPC is hereby allowed.
- d) It is made clear that the petitioner-defendant No.3 will not be permitted to reopen any evidence and adduce any additional evidence pursuant to allowing of the amendment application.

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

DM
LIST NO.: 1 SL NO.: 8