



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 7802 OF 2023 (GM-FC)

BETWEEN:

SMT.G.S PRABHAVATHI

W/O SRI. NAGARAJ,

AGED ABOUT 24 YEARS,

R/A GADIJOGIHUNDI VILLAE,

BANNUR HOBLI, T.NARASIPURA TALUK.

...PETITIONER

(BY SRI. GOVARDHAN, ADVOCATE FOR

SRI. VINUTHAN MURTHY B. V., ADVOCATE)

AND:

SRI. NAGRAJ

S/O KARAGASHETTY,

AGED ABOUT 34 YEARS,





R/A ACHARAYYANAHUNDI VILLAGE,
SOSALE HOBLI,
T.NARASIPURA TALUK.

...RESPONDENT

(BY SRI. C. MOHAN, ADVOCATE FOR
SRI. P NATARAJU, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE
IMPUGNED ORDER DTD 01.03.2023 PASSED BY THE LEARNED
SENIOR CIVIL JUDGE TIRUMAKUDAL NARSIPUR, AT MYSORE IN
I.A.NO.9 AND IA.NO.10 FILED BY THE PETITIONER IN
M.C.NO.03/2016 HEREIN MARKED AS ANNEXURE-F AND J AND
ETC.

THIS PETITION, COMING ON FOR UNDER THE CAPTION
"PART HEARD", THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri.Govardhan who represents Sri.Vinuthan Murthy B.V., learned counsel on record for petitioner as well as Sri.C.Mohan who represents Sri.P.Nataraju, learned counsel on record for respondent.

2. Though this writ petition is filed seeking the Court to set aside the orders that were rendered on I.A.No.IX and X in M.C. No.3/2016, which is pending before the Court of Senior Civil Judge, T. Narasipura, learned counsel for petitioner on this day submits that he restricts his submission only on I.A. No.IX and petitioner seeks no relief from this Court so far as I.A. No.X is concerned.

3. I.A.No.IX is filed by petitioner under Order 6 Rule 17 CPC seeking permission of the Court for amendment of her pleadings.

4. Learned counsel for petitioner submits that petitioner is the wife of respondent. Petitioner filed a petition under Section 12(1)(a) of the Hindu Marriage Act seeking the Court to declare her marriage with respondent to be null and void. Learned counsel states that respondent is impotent



towards the petitioner and he has no sexual desire towards the petitioner. The medical term used for such infirmity is "quoad-hanc". Such a specific plea was not taken by the petitioner in her pleadings and therefore, she moved an application for amendment of pleadings. But the trial Court rejected her request and therefore, this writ petition is filed. Learned counsel has brought to the notice of this Court the contents of the pleadings of petitioner. Learned counsel thereby seeks to allow the writ petition and thereby to set aside the order passed by the trial Court on I.A.No.IX.

5. Per contra, learned counsel for respondent states that respondent, to establish that he is not suffering from any infirmity whatsoever, subjected himself to potency test voluntarily. Thereafter, again under the directions of the Court he subjected himself for the potency test. Reports reveal that respondent does not suffer with any such impotency. The case was filed in the year 2016 by the petitioner. Petitioner on one ground or the other is dragging on the matter. When the case was posted for arguments, petitioner filed this interlocutory application only to drag on the proceedings and thus the trial



Court rightly dismissed the petition and hence writ petition is not maintainable.

6. The version of the petitioner is that she has not taken plea of "quoad-hanc" and therefore she moved a petition for amendment of pleadings to incorporate said plea. However, in the petition filed by the petitioner, she has indeed taken such a plea. At para 5 of the pleadings her narration is as under:

"Due to the impotency of the respondent towards the petitioner, the marriage of the petitioner and respondent is doldrums. Hence, this petition as the marriage has not been consummated owing to the impotency of the respondent towards the petitioner."

7. When petitioner has initiated proceedings in the year 2016, in the year 2023 she filed a petition under Order 6 Rule 17 CPC for amendment of pleadings, that too without showing any justifiable cause as to why she could not make such a contention earlier. Indeed she has raised such a contention in her pleadings already as indicated above. Therefore, this Court is of the view that the trial Court has taken a just decision which needs no interference. Thereby, the following:



ORDER

Writ petition is dismissed.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

AP
CT:TSM
List No.: 1 SI No.: 36