



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 18016 OF 2021 (GM-CPC)

BETWEEN:

SRI HOOVANNA
S/O LATE SHANKARE GOWDA,
AGED ABOUT 53 YEARS,
R/AT ECHALADALU, BALE VILLAGE,
MUDUBAGILU POST - 577 134,
NARASIMHARAJAPURA TALUK,
CHICKMAGALUR DISTRICT.

...PETITIONER

(BY SRI. PRASANNA B.R, ADVOCATE)

AND:

1. SRI. CHINNAIAH
S/O LATE SHANKARE GOWDA,
AGED ABOUT 63 YEARS,
2. SRI. LOKAIAH
S/O LATE SHANKARE GOWDA,
AGED ABOUT 60 YEARS,
BOTH ARE R/AT ECHALADALU,
MUDUBAGILU POST - 577 134,
NARASIMHARAJAPURA TALUK,
CHICKMAGALUR DISTRICT.
3. SMT. CHANDRAMMA
W/O B.M. KRISHNAMURTY,





AGED ABOUT 48 YEARS,
R/AT BALE VILLAGE,
MUDUBAGILU POST - 577 134,
NARASIMHARAJAPURA TALUK,
CHICKMAGALUR DISTRICT.

4. SMT. ANNAPURNA
W/O DAYANANDA,
AGED ABOUT 44 YEARS,
R/AT CHIKKANAKUDIGE,
HIREKODIGE VILLAGE AND POST,
KOPPA TALUK,
CHICKMAGALUR DISTRICT - 577 134.

...RESPONDENTS

(BY SRI. K.N. BALARAJ, ADVOCATE FOR R1;
R2, R3, R4 ARE SERVED AND UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING THE
IMPUGNED ORDER PASSED ON I.A.NO.12 IN O.S.NO55/2018
DATED 15.07.2021 ON THE FILE OF HONBLE SENIOR CIVIL
JUDGE AND JMFC, N.R.PURA, VIDE ANNEXURE-H AND TO
ALLOW THE I.A.NO.12 AS PRAYER FOR AND ETC.,

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



CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

1. This writ petition is filed challenging the order dated 15.07.2021 passed on I.A.No.XII in O.S.No.55/2018 by the learned Senior Civil Judge and J.M.F.C, N.R.Pura (for short 'Trial Court').
2. Heard Sri.Prasanna B.R, learned counsel for the petitioner and Sri.K.N.Balaraj, learned counsel for the respondent No.1 and perused the material on record.
3. The petitioner has filed a suit in O.S.No.55/2018 for partition and separate possession seeking 1/5th share in the suit schedule properties. The properties referred in the suit are item Nos.1 to 8. During the pendency of the said suit, the petitioner filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short 'CPC') seeking to amend the plaint to incorporate an extent of land in item No.5 as 1 acre 20 guntas instead of 1 acre and house scheduled to item No.8 of the suit schedule property. The Trial Court rejected the said



application by considering the objections of the defendants on the ground that the application is filed at the belated stage.

4. It is to be noticed that the proposed amendment sought would not change the nature of the prayer sought in the suit for partition and separate possession. If the house number as sought for is corrected and the extent of the land in Sy.No.108 is corrected, no prejudice would be caused to the other side. However, this Court cannot ignore the fact that the arguments in the suit are concluded and the Court was required to pass the judgment, hence, at this stage present application is filed.

5. Taking note of the nature of amendment sought and the stage of the suit, I am of the view that interest of justice would be met, if the plaintiff is permitted to argue before the Trial Court by contending that the land in Sy.No.108 is measuring 1 acre 20 guntas and by referring to the house number scheduled in item No.8 of the suit schedule property by producing necessary documents and



the Trial Court shall consider the same in accordance with law.

6. With the above observations, writ petition is ***disposed of.***

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

GH
List No.: 1 Sl No.: 14