



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 14631 OF 2020 (GM-CPC)

BETWEEN:

1. MS R SHILPA
AGED ABOUT 39 YEARS,
D/O SRI N RAMASWAMY
RESIDENT OF NO.190
2ND MAIN, GANGANAGAR
BENGALURU - 560 032
2. MR. R PRITHVI
AGED ABOUT 36 YEARS
S/O SRI N RAMASWAMY
RESIDENT OF NO.190
2ND MAIN, GANGANAGAR
BENGALURU - 560 032.

...PETITIONERS

(BY SRI. S.RAJESH, ADVOCATE FOR
SRI. MUKKANNAPPA.S.B., ADVOCATE)



AND:

1. SRI N RAMASWAMY
AGED ABOUT 73 YEARS,
S/O SRI NARAYANAPPA
RESIDENT OF NO.190
2ND MAIN, GANGANAGAR
BENGALURU - 560 032.

DIED ON 16.09.2025
DEAD BY LRs:



1(a) SHAKUNTHALA.A.,
AGED ABOUT 73 YEARS,
W/O LATE N.RAMASWAMY,
RESIDENT OF NO.190
2ND MAIN, GANGANAGAR
BENGALURU - 560 032.

Amendment carried out as per the
Order of this Court dated 25.03.2026

2. MS. R KAVITHA
AGED ABOUT 42 YEARS,
S/O SRI N RAMASWAMY
RESIDENT OF NO.190
2ND MAIN, GANGANAGAR
BENGALURU - 560 032.
3. MR. LINDSEY KEITH ANTHONY KING
AGED ABOUT 68 YEARS,
S/O MR. ARNOLD KING
RESIDENT OF NO.150
DENNIS VILLA, ULLASAPPA ROAD,
KAMANAHALLI, ST.THOMAS TOWN POST
BENGALURU - 560 084.
4. SMT. NANJAMMA
AGED ABOUT 68 YEARS,
W/O LATE MUNIRAMAIAH.
5. SRI RAMACHANDRA
AGED ABOUT 48 YEARS,
S/O LATE MUNIRAMAIAH
6. SRI NAGARAJA
AGED ABOUT 45 YEARS,
S/O LATE MUNIRAMAIAH



RESPONDENT NOS.4 TO 6 ARE
RESIDING AT BIJAWARA VILLAGE,
VIJAYAPURA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562 110.

7. SMT. ANANDAMMA
AGED ABOUT 43 YEARS,
W/O NARAYANSWAMY,
D/O LATE MUNIRAMAIAH
RESIDING AT BYAPPANAHALLI VILLAGE,
SHIDDLAGHATTA TALUK
CHIKKABALLAPURA
DISTRICT - 562 101

8. SMT. RATHNAMMA
AGED ABOUT 41 YEARS,
W/O PILLAPPA
D/O LATE MUNIRAMAIAH
RESIDING AT HOSUR VILLAGE
NANDI HOBLI
CHIKKABALLAPURA TALUK AND DISTRICT - 562 101

...RESPONDENTS

(BY SRI. VISHWESHWAR PRASAD.H.R., ADVOCATE FOR R1(a);
R2 - served and unrepresented;
SRI. K.SHIVASHANKAR, ADVOCATE FOR R3;
SRI. KHALAZ AHAMED SHARIFF, ADVOCATE FOR R4 TO R7;
Vide order date 10.03.2025, notice to R8 is held sufficient)

THIS WP FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED
ORDER DATED 13.12.2019 PASSED BY CIVIL JUDGE (SR.DVN)
AND JMFC AT DEVANAHALLI ON I.A.NO.7 FILED BY THE
PETITIONERS IN O.S.NO.1934/2006 VIDE ANNEXURE-H TO



THE WRIT PETITION AND CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE PETITIONER, ETC.,

THIS PETITION, COMING ON FOR FURTHER ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

This writ petition is filed challenging the order dated 13.12.2019 passed on I.A.No.7 in O.S.No.1934 of 2006 by the Civil Judge (Sr.Dvn.,) and JMFC, Devanahalli (for short 'Trial Court').

2. Sri.Rajesh, learned counsel appearing on behalf of Sri.Mukkannappa.S.B., learned counsel for the petitioners submits that petitioner has filed a suit for partition and separate possession over the suit schedule property and during the pendency of the said suit, petitioner came to know that the father of the petitioner sold certain properties. Hence, they have filed an application to amend the plaint with an intention to incorporate the properties sold and also filed an



application to implead the purchasers. However, the Trial Court allowed the application for impleadment but rejected the application for amendment of the plaint, solely on the ground that the present application is filed belatedly and after the commencement of the trial. It is submitted that the petitioners are the daughter and son of Respondent No.1 and the proposed properties are the joint family properties. Therefore, they are entitled for their share and if the application is not allowed, great injustice would be caused to them. Hence, he prays to allow the application.

3. Per contra, Sri.Vishweshwar Prasad.H.R., learned counsel appearing for Respondent No.1(a); Sri.Shivashankar.K., learned counsel appearing for Respondent No.3 and Sri.Khalaq Ahamed Shariff, learned counsel appearing for Respondent Nos.4 to 7 supports the order of the Trial Court and submits that the application for amendment is filed belatedly and knowing fully well that the properties sought are to be brought under the purview of the plaint way back in the year 2001 and



seeking the relief with regard to such properties is barred by law of limitation. Hence, they seek to dismiss the writ petition.

4. Heard the arguments on both sides and perused the material available on record. The learned counsel appearing for the parties jointly submit that there may be a direction to the Trial Court to dispose of the suit as expeditiously as possible.

5. The petitioner filed O.S.No.1934 of 2006 for the relief of partition and separate possession and enjoyment of half share in the suit schedule property. The suit schedule property originally is an agricultural land bearing Sy.No.27, measuring 2 acres 27 guntas inclusive of 0-18 guntas of kharab land, situated at Kempathimmanahalli Village, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District. The defendants filed written statement denying the assertion made in the plaint. Issues were framed. The matter was posted for evidence. At that stage, the plaintiff filed an application under Order VI Rule 17 r/w



Section 151 of CPC to amend the plaint to include Item Nos.2 and 3 of the properties to the suit and also filed an application under Order I Rule 10(2) of CPC to implead the additional defendants. The Trial Court allowed the application filed under Order I Rule 10(2) of CPC on 04.09.2018. However, it has rejected the application for amendment of the plaint on 13.12.2019. The perusal of the affidavit accompanying the application indicates that the plaintiffs are the daughter and son of defendant No.1 asserted that without their knowledge, defendant No.1 sold the property who intended to seek partition. Hence, filed an application for amendment.

6. It is not in dispute that the application is filed belatedly just after the commencement of trial. In my considered view, to avoid any multiplicity of proceedings and for the complete adjudication of the suit, the proposed amendment is necessary and the said amendment ought not to have been rejected by the Trial Court when it has



allowed the application for impleadment of the purchasers as the parties to the suit.

7. For the aforementioned reasons, I am of the considered view that no mandamus can be issued to the Trial Court to dispose of the suit in a time bound manner. However, the Trial Court shall take note of the fact that the suit is of the year 2006 and therefore, consider early disposal, taking note of the pendency before it. Hence, I proceed to pass the following:

ORDER

- i) The writ petition is ***allowed***.
- ii) The impugned order dated 13.12.2019 passed on I.A.No.7 in O.S.No.1934 of 2006 by the Civil Judge (Sr.Dvn.,) and JMFC, Devanahalli, is set aside. Consequently, I.A.No.7 is allowed.
- iii) No order as to costs.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**