



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 17856 OF 2023 (GM-CPC)

BETWEEN:

1. SRI A RAJASHEKAR HEBBAR,
S/O LATE SADANANADA HEBBAR,
AGED ABOUT 65 YEARS,
RESIDING AT AIRODI VILLAGE,
HANGARAKATTA POST,
UDUPI DISTRICT-576218.

...PETITIONER

(BY SRI SATISH K., ADVOCATE)

AND:

1. SRI MANOHAR SHETTY,
S/O K. MADHAVA SHETTY,
AGED ABOUT 48 YEARS,
RESIDING AT MANOHAR NILAYA,
THONSE EAST, KALLIANPURA,
UDUPI DISTRICT-576114.
2. SRI. MANJUNATH B.P.,
S/O LATE BHATTA PARAMESHWARAYYA,
AGED ABOUT 76 YEARS,
SRI. DEVI PIYUSHA,
N.H.17 (NOW No. 66),
BRAMHAVRA,
UDUPI DISTRICT-576213.
3. SMT. SRIDEVI,
W/O LATE SADANANDA HEBBAR,
AGED ABOUT 83 YEARS,





RESIDING AT AIRODI VILLAGE,
HANGARAKATTA POST,
UDUPI DISTRICT-576218.

4. SMT. SARALA,
D/O LATE SADANANDA HEBBAR,
AGED ABOUT 63 YEARS,
RESIDING AT AIRODI VILLAGE,
HANGARAKATTA POST,
UDUPI DISTRICT-576218.
5. SMT. SHEELA
D/O LATE SADANANDA HEBBAR,
AGED ABOUT 61 YEARS,
RESIDING AT AIRODI VILLAGE,
HANGARAKATTA POST,
UDUPI DISTRICT-576218.
6. SMT. JYOTHI
D/O LATE SADANANDA HEBBAR,
AGED ABOUT 58 YEARS
RESIDING AT AIRODI VILLAGE,
HANGARAKATTA POST,
UDUPI DISTRICT-576218.
7. SRI SUBRAMANYA B
S/O B VISHWESHWARA BHAT
AGED ABOUT 68 YEARS,
EX. STAMP VENDOR,
M T SQUARE, BRAMHAVARA,
UDUPI-576213.

...RESPONDENTS

(BY SRI AJITH A SHETTY, ADVOCATE FOR R1;
NOTICE TO R2 TO R7 IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
IMPUGNED ORDER DATED 21.07.23 PASSED IN ORIGINAL SUIT
No.38/2015 BY II ADDL. SENIOR CIVIL JUDGE ACJM AT UDUPI
ANNEXURE-G AND CONSEQUENTLY ALLOW THE



INTERLOCUTORY APPLICATION No.VII FOR AMENDMENT OF WRITTEN STATEMENT FILED BY THE PETITIONER ANNEXURE-E.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

Heard Sri.K. Satish, learned counsel for the petitioner and Sri. Ajith A. Shetty, learned counsel for respondent No.1.

2. This writ petition challenges the order dated 21.07.2023 passed on I.A. No.VII by the II Addl. Senior Civil Judge And ACJM, Udupi (for short "the trial Court"), in O.S. No.38/2015, whereby the application filed by defendant No. 2 (petitioner herein) seeking amendment of the written statement has been rejected.

3. Respondent No. 1 instituted O.S. No.38/2015 seeking, *inter alia*, a declaration that the arbitration award dated 31.12.1997 was obtained by fraud and collusion and, therefore, is invalid and not binding on the plaintiff. The petitioner filed the written statement on 24.11.2015. At the stage when the suit had come up for the plaintiff's evidence, an application



seeking amendment of the written statement was filed, which has since been rejected.

4. Sri. K. Satish, learned counsel appearing for the petitioner, submits that the amendment to the written statement is permissible, as the application was filed prior to the completion of evidence. He further submits that the proceedings in the suit as well as the execution proceedings were not brought to the notice of the Hon'ble Court, and that the proposed amendment was necessary to place on record the facts allegedly suppressed by the plaintiff.

5. *Per contra*, Sri. Ajith A. Shetty, learned counsel appearing for respondent No. 1, submits that the petitioner had earlier filed I.A. No.VI seeking framing of an additional issue regarding the maintainability of the suit. The said application came to be rejected by the trial Court, holding that the suit is maintainable. He further submits that the present amendment is now sought to agitate the very same issues which were considered and rejected while deciding the application for framing of an additional issue. It is also contended that the proposed



amendments are in the nature of questions of law and, therefore, cannot be permitted to form part of the pleadings.

6. Considered the submissions made by learned counsel for both the parties.

7. The present suit, instituted in the year 2015, seeks a declaration that the arbitration award dated 31.12.1997 is not binding on the plaintiff. The petitioner herein filed the written statement on 24.11.2015, whereas the application seeking amendment came to be filed on 05.02.2021, after an inordinate delay of nearly six years. The affidavit accompanying the application is conspicuously silent as to why the pleadings now sought to be introduced by way of amendment were not incorporated in the written statement when it was originally filed on 24.11.2015. In that view of the matter, the submission of learned counsel for respondent No. 1 that the application for amendment is an abuse of the process of law intended to delay the suit carries considerable force.

8. It is also not in dispute that the petitioner had earlier filed I.A. No.VI seeking framing of an additional issue regarding the maintainability of the suit. The trial Court, upon consideration,



answered the additional issue holding that the suit is maintainable. In that backdrop, if the amendment now proposed is examined, it becomes evident that the petitioner seeks to reiterate the very same contentions which have already been adjudicated while answering the additional issue. The trial Court, after adverting to its finding on the additional issue and the nature of the amendment sought in the present application, has rightly concluded that the application is an attempt to abuse the process of the Court.

9. Further, the trial Court has recorded that the nature of the amendment sought does not pertain either to subsequent events or to factual pleadings. It has also held that the proposed amendment merely relates to legal interpretations, which cannot appropriately form part of the pleadings in the written statement. This Court finds that the order passed by the trial Court does not suffer from any error or infirmity warranting interference in exercise of writ jurisdiction. The petitioner has failed to make out any ground to entertain the present writ petition.



10. The arbitration award in question is of the year 1997, and the suit was instituted in the year 2015. It is not in dispute that the suit is still at the stage of the plaintiff's evidence. No doubt, the further proceedings in the suit have remained stayed from the year 2023 till date. Having regard to the nature of the dispute and the conduct of the parties in the present proceedings, this Court deems it appropriate to request the Trial Court to expedite the disposal of the suit and to avoid granting unnecessary adjournments to either side.

11. In light of the above reasoning, the writ petition stands ***rejected.***

**SD/-
(K. V. ARAVIND)
JUDGE**