



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 34761 OF 2024 (GM-CPC)

BETWEEN:

SMT. SREE KRUPA
W/O SRI NARAYANA SARMA V
AGED ABOUT 64 YEARS
RESIDING AT NO.24/D
37TH A CROSS, NEAR JSS COLLEGE
8TH BLOCK, JAYANAGAR
BANGALROE-560 070
REPRESENTED BY HER POWER OF
ATTORNEY HOLDER
SRI. NARAYANA SARMA V
S/O SRI. SHANKAR RAO V
AGED ABOUT 63 YEARS
ALSO RESIDING AT NO.24/D
37TH A CROSS, NEAR JSS COLLEGE
8TH BLOCK, JAYANAGAR
BANGALORE-560 070

...PETITIONER

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. ASHWIN KUMAR M.S, ADVOCATE)

AND:

1. SMT. AMRUTHA S. KUMAR
W/O SRI. SHANKAR KUMAR
AGED ABOUT 68 YEARS
RESIDING AT NO.290
5TH CROSS, 6TH MAIN
ARAKERE MICO LAYOUT
I STAGE, BANGALORE-560 076



2. SMT. RAMA S RAO
W/O LATE SRI. SRINIVAS RAO
AGED ABOUT 71 YEARS
RESIDING AT NO.517
YOGASHRI, 27TH CROSS
IDEAL HOMES
RAJARAJESHWARI NAGAR
BANGALORE-560 098

...RESPONDENTS

(BY SRI. SRIKANTH S, ADVOCATE FOR C/R1;
VIDE ORDER DATED 19.12.2024, NOTICE TO R2
IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD. 28.11.2024 PASSED ON I.A.NO.4 PASSED BY THE X ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, AT BANGALORE (CCH-26) IN O.S.NO. 114/2024 DISMISSING I.A.NO.4 FILED BY THE PETITIONER UNDER ORDER VI RULE 17 R/W SECTION 151 OF CPC ANNEX-A TO THE WRIT PETITION SET ASIDE THE ORDER.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed by defendant No.2 under Article 227 of the Constitution of India, challenging the order dated 28.11.2024 passed on I.A. No.4 in O.S. No.114/2024 by the X Additional City Civil and Sessions Judge, Bengaluru, whereby the application filed by the petitioner/defendant No.2 under Order VI Rule 17 of the



Code of Civil Procedure seeking for amendment of the plaint to an extent of incorporating an averment in relation to a Will executed by her mother, has been dismissed.

2. The plaintiff has filed the suit in O.S. No.114/2024 for partition and separate possession. Upon service of summons, the petitioner/defendant No.2 filed a written statement and took a specific contention that her mother had executed a Will dated 17.03.1993 in respect of the suit schedule property. On the basis of the pleadings of the parties, the trial court has framed issues, and when the matter was posted for evidence, the petitioner/defendant No.2 filed the aforesaid application.

3. Learned counsel for the petitioner/defendant No.2 contended that the proposed amendment to the written statement would not cause any prejudice to the plaintiff. It is further submitted that the suit is posted for evidence and the parties are yet to adduce their evidence.



Therefore, the trial court was not justified in rejecting the application.

4. The petitioner/defendant No.2 has already filed a written statement taking a specific contention that her mother had bequeathed the suit schedule property under a registered Will dated 17.03.1993 and has also clearly pleaded that the respondent No.1/plaintiff is aware of the same. On the basis of the pleadings of the parties, the trial court has framed the following issues:

"(1) Whether the defendant No.2 proves that her mother Smt.T.R.Lalitha has executed a registered WILL dated 17.03.1983 in her favour in a sound disposing state of mind in respect of the suit schedule property as contended by her?

(2) Whether the plaintiff is entitled for 1/3rd share in the suit schedule property as claimed by him?

(3) What order or decree?"

5. Issue No.1 relates to the execution of the Will dated 17.03.1983. What is sought to be incorporated by way of an amendment has already been pleaded in the



written statement and is merely repetitive in nature. Therefore, the trial court has rightly rejected the application. There is no error in the order passed by the trial court warranting interference.

Accordingly, the writ petition is dismissed.

In view of the disposal of the main matter, all pending applications stand disposed of.

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

CM
List No.: 1 Sl No.: 49