



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION No. 36210 OF 2025 (GM-CPC)

BETWEEN:

1. SRI N. R. BHAT,
AGED ABOUT 67 YEARS,
S/O K. GANAPATHI BHAT,
R/AT No.65, 6TH CROSS,
BANASHANKARI 2ND STAGE,
BENGALURU - 70.

...PETITIONER

(BY SRI RAVI L. VAIDYA, ADVOCATE)

AND:

1. SRI A. MANJUNATHA REDDY,
AGED ABOUT 52 YEARS,
S/O ANANTHA RAMA REDDY,
R/AT SAMASANDRA PALAYA,
AGARA POST, BEGUR HOBLI,
BENGALURU - 34.

...RESPONDENT

(BY SRI G. MANIVANNAN, ADVOCATE FOR C/R)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 25/10/2015 PASSED BY THE LEARNED XXII ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-7) AT BENGALURU ON I. A. No.6 IN O.S. No.2591/2013 AT ANNEXURE-F.

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



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

ORAL ORDER

Heard Sri Ravi L. Vaidya, learned counsel for the petitioner, and Sri G. Manivannan, learned counsel for the caveator/respondent.

2. This writ petition is filed by the defendant in O.S. No.2591/2013. The respondent instituted O.S. No.2591/2013 seeking a decree of permanent injunction. The suit schedule property is a piece and parcel of a residentially converted property bearing Survey No.55/10, measuring 14¼ guntas.

3. In the written statement filed by the petitioner herein, the claim of the respondent to an extent of 14¼ guntas is disputed. It is further contended that the boundaries mentioned in the sketch and the conversion order differ, and the identification of the property is also in dispute. The petitioner filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908, seeking amendment of the written statement. The amendment was sought on the basis of Exhibit D1-Sale Deed dated 17.05.2004, produced on 17.02.2023. The trial



Court, under the impugned order dated 25.10.2025, rejected the application on the ground of delay.

4. Learned counsel appearing for the petitioner submits that the total extent of land in Survey No.55/10 is 30 guntas. It is further submitted that land measuring $15\frac{3}{4}$ guntas (17,121 sq. ft. 6 inches) has been transferred in favour of M/s. Vaskan Construction Pvt. Ltd. It is submitted that, under the said sale, the parties agreed to retain a portion of the land for formation of a road, to the extent of 35 feet in width on the western side and 80 feet in width on the southern side.

4.1 It is contended that the entire road lies outside the extent of $14\frac{1}{4}$ guntas claimed by the respondent. However, the respondent, while claiming right over $14\frac{1}{4}$ guntas excluding a portion of the road, is attempting to encroach upon the petitioner's property. It is further submitted that it was only upon production of Exhibit D1—Sale Deed dated 17.05.2004, that the existence of the road forming part of the $14\frac{1}{4}$ guntas came to light. Hence, the amendment to the written statement was sought. It is contended that the trial Court failed to



appreciate these aspects and erroneously rejected the application for amendment.

5. *Per contra*, Sri G. Manivannan, learned counsel appearing on caveat for the respondent, submits that the extent of $15\frac{3}{4}$ guntas and $14\frac{1}{4}$ guntas are distinct and separate. It is contended that the land earmarked for road in the sale deed at Exhibit D1 forms part of the extent of $15\frac{3}{4}$ guntas. It is further submitted that the amendment sought to the written statement is not relevant for adjudication of the suit. It is also contended that there was no difficulty in pleading the said facts at the time of filing the written statement, and therefore, the application for amendment is not justified.

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

7. The respondent has instituted the suit for injunction based on a Gift Deed dated 02.04.2007 in respect of an extent of $14\frac{1}{4}$ guntas, stated to have been executed by his father. The father, along with the petitioner, had earlier executed a sale deed in favour of M/s. Vaskon Constructions Pvt. Ltd.,



transferring an extent of $15\frac{3}{4}$ guntas. Under the said sale deed, the vendors agreed to set apart land for formation of a road, measuring 80 feet in width on the southern side and 35 feet in width on the western side of Survey No.55/10. It is not in dispute that the total extent of land in Survey No.55/10 is 30 guntas.

7.1 After execution of the sale deed at Exhibit D1, the part of remaining extent is stated to be the land earmarked for the road. However, under the Gift Deed, an extent of $14\frac{1}{4}$ guntas is conveyed. It is the contention of the respondent that the extent of $14\frac{1}{4}$ guntas covered under the Gift Deed is over and above the land transferred in favour of M/s. Vaskon Constructions Pvt. Ltd. and the land earmarked for the road. It is further contended that the road so earmarked forms part of the land transferred to an extent of $15\frac{3}{4}$ guntas.

7.2 At the time of filing the written statement, the petitioner did not have the benefit of the sale deed at Exhibit D1. The amendment sought to the written statement is in conformity with the recitals in Exhibit D1. The dispute essentially pertains to alleged encroachment by the respondent over the adjacent



land of the petitioner. From the inception, the petitioner has disputed the title of the respondent/plaintiff to an extent of 14¼ guntas. The proposed amendment does not alter the nature of the defence but merely clarifies the factual position.

7.3 The trial Court, while rejecting the application on the ground of delay, has failed to consider that the existence of the sale deed at Exhibit D1 came to the knowledge of the petitioner at a later stage. On perusal of the proposed amendment and the recitals in Exhibit D1, it is evident that the amendment is necessary for effective and comprehensive adjudication of the dispute between the parties and to avoid multiplicity of proceedings.

7.4 The contention that allowing the amendment would delay the suit, which is of the year 2013, does not merit acceptance. This Court finds no material to hold that the amendment is sought with an intent to delay the proceedings. It is also relevant to note the submission of the learned counsel for the respondent that the respondent himself has filed an application for amendment of the plaint, which is pending consideration, and the same is also with reference to Exhibit D1.



8. In light of the above, this Court is of the opinion that the trial Court has committed an error in rejecting the application for amendment. Accordingly, the following order is passed:

Order

- (i) Writ petition is allowed.
- (ii) The order dated 25.10.2025 in O.S. No.2591/2023 on IA No.6 is set aside.
- (iii) IA No.6 is allowed.
- (iv) The petitioner/defendant is permitted to amend the written statement.
- (v) The trial Court is requested to expedite the conclusion of the suit as the same is pending for more than 13 years.
- (vi) The observations made in this order is only for disposal of this writ petition and shall not affect the rights of the parties otherwise available in the pending suit.

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