



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. 39078 OF 2025 (GM-CPC)

BETWEEN:

1. SRI A. V. NAGARAJU SAWMILL
S/O. VENKATARAMANAPPA
AGED ABOUT 81 YEARS,
R/AT KUMBARA BEED, GOWRI BAGELU,
DEVANAHALLI TOWN
DEVANAHALLI,
BENGALURU RURAL DISTRICT, PIN 562 110.

...PETITIONER

(BY SRI V. MANJUNATHA, ADVOCATE)

AND:

1. SRI ANITHA
W/O. VIJAYAKUMAR H. S.,
AGED ABOUT 48 YEARS,
R/AT SOLUR VILLAGE,
KOLLATHUR, HOSAKOTE TALUK,
BANGALORE RURAL DISTRICT.
PIN 562 114.
2. MUNIRATHNAMMA
W/O. GOPALAPPA
AGED ABOUT 39 YEARS,
RESIDING AT KUTHANDALLI VILLAGE,
V.T.C. THYVANAHALLI POST,
THYAVANAHALLI, BANGARPET TALUK,
KOLAR - 562 130.
3. SRI SRINIVAS
S/O. P. MUNIYAPPA
AGED ABOUT 44 YEARS,



4. SMT. NIRUSHA
S/O. RAJU AND LATE SUJATHA
AGED ABOUT 21 YEARS,

5. SRI VIVEK
S/O. RAJU AND LATE SUJATHA
AGED ABOUT 20 YEARS

RESPONDENT NOS.3 TO 5 ARE
R/AT 17TH WARD, DASARA BEEDI,
DEVANAHALLI TOWN,
DEVANAHALLI, BENGALURU RURAL DISTRICT.

6. SMT. GOWRI
D/O. P. MUNIYAPPA
W/O. GOPALA
AGED ABOUT 38 YEARS,
RESIDING AT NO.150,
CHIKKAJALA, BENGALURU - 562 157.

7. SRI MUNIRAJU
S/O. P. MUNIYAPPA
AGED ABOUT 31 YEARS,

8. SMT. ANJINAMMA
W/O. LATE MUNIYAPPA
AGED ABOUT 66 YEARS,

RESP. NO.7 AND 8 ARE
R/AT DASARA BEEDI,
DEVANAHALLI TOWN,
DEVANAHALLI, BENGALURU RURAL DISTRICT.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 10-11-2025 PASSED BY THE LEARNED HONBLE I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DEVANAHALLI, IN O.S. NO. 156/2023 ON APPLICATION I.A. NO.4 UNDER ORDER VI RULE 17 READ WITH SEC 151 OF CPC ACT WHICH IS MARKED AS ANNEXURE-E FILED BY THE PETITIONER HEREIN, AND ALLOW THIS PETITION AND ETC,.



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 Manjunatha V., learned counsel for the petitioner.

2. This writ petition is filed by defendant No.8 in O.S. No.156/2023, on the file of the I Addl Senior Civil Judge & JMFC, Devanahalli (for short, "the trial Court"), impugning the order dated 10.11.2025 passed on I.A. No.IV filed under Order VI Rule 17 of the CPC seeking amendment of the plaint.

3. Sri Manjunatha V., learned counsel for the petitioner, submits that the proposed amendment is intended to overcome the admissions made in the course of cross-examination. It is further submitted that the reference is to sale deeds which were already in the possession of the plaintiff at the time of institution of the suit. According to the learned counsel, the amendment is sought only to delay the proceedings.



4. Considered the submission made by learned counsel for the petitioner.

5. The trial Court, upon considering the objections raised by the petitioner, has observed as under:

".... But, there are Ex.P12 and 13 which are the Certified copies of Sale Deeds. Ex.P12 shows that father of plaintiff sold the suit property in favour of Muniyappa son of Hanumanthappa. Ex.P13 shows that general power of attorney holder of Muniyappa sold the said property in favour of defendant No.8. The said documents support the application averments."

6. The trial Court has held that the averments sought to be incorporated in the plaint by way of amendment are already reflected in Exs.P12 and P13. The pleadings proposed to be introduced are based on the said exhibits produced before the Court and marked as Exs.P12 and P13. The amendment does not alter the nature of the suit, nor does it deprive the defendants of their defence.

6.1 Having regard to the delay in seeking the amendment, the trial Court has rightly allowed the application subject to costs. The trial Court has further granted liberty to the petitioner herein to file additional pleadings. In view of the fact that the defence of the petitioner is safeguarded by such



liberty, the amendment allowed by the trial Court cannot be said to be erroneous.

7. The present writ petition is devoid of merit and is accordingly ***dismissed***.

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

DDU
List No.: 1 Sl No.: 31