



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.100889 OF 2026 (GM-CPC)

BETWEEN:

1. DR. ASHOK S/O. LATE. NAGENDRAPPA,
AGED ABOUT 49 YEARS,
RESIDING AT UCHANGIDURGA VILLAGE,
HARAPANAHALLI TALUK,
VIJAYANAGARA DISTRICT-583125.
2. SMT. LALITAMMA W/O. LATE. NAGENDRAPPA,
AGED ABOUT 67 YEARS,
RESIDING AT UCHANGIDURGA VILLAGE,
HARAPANAHALLI TALUK,
VIJAYANAGARA DISTRICT-583125.

...PETITIONERS

(BY SRI. SUNILKUMAR PATEL, ADVOCATE)

AND:

N. NAGENDRAPPA
DEAD BY LRS

1. SMT. RATNAMMA W/O. NAGENDRAPPA,
AGED ABOUT 56 YEARS,
2. ASHWINI NANJANAGOUDAR
D/O. NAGENDRAPPA,
AGED ABOUT 34 YEARS,
3. RAJESHWARI NANJANAGOUDAR
D/O. NAGENDRAPPA,
AGED ABOUT 32 YEARS,





4. AMRUTAVARSHINI NANJANAGAUDAR
D/O. NAGENDRAPPA,
AGED ABOUT 30 YEARS,

ALL RESPONDENTS- TO 4 ARE
RESIDING AT NO.4146/3,
ESHVARA KRUPA, MCC B BLOCK,
ESTENDED AREA, BEHIND ANJINEYA TEMPLE,
DAVANAGERE-577004.

5. SANNINGAPPA @ HANUMANTHAPPA
S/O. KARICHIKKAPPANAVAR,
ITTAGI VILLAGE, ITTAGI (POST),
RANEBENNUR TALUK, HAVERI DISTRICT-581208.

...RESPONDENTS

(BY SRI. M.C. HUKKERI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF CONSTITUTION OF INDIA, PRAYING TO I) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION BY QUASHING ORDER, DATED 13.01.2026, PASSED ON IA-58, FILED U/OR. 6 RULE 17 R/W SECTION 151 OF CPC, 1908 AND ON IA-56, U/OR. 1 RULE 10(2) R/W SECTION 151 OF CPC IN O.S.NO.15/2013, PENDING ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC AT HARAPANAHALLI., VIDE ANNEXURE-A AND B. B) CONSEQUENTLY, ALLOW IA-58, FILED U/OR. 6 RULE 17 R/W SECTION 151 OF CPC, 1908 AND IA-56, U/OR. 1 RULE 10(2) R/W SECTION 151 OF CPC IN O.S.NO.15/2013, PENDING ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC AT HARAPANAHALLI, BY PERMITTING THE PLAINTIFFS TO AMEND THE PLAINT AND IMPLEAD THE PROPOSED DEFENDANT NO.7, AS SOUGHT, AND C) ANY OTHER APPROPRIATE WRIT OR DIRECTION AS THIS HON'BLE COURT DEEMS FIT UNDER THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed aggrieved by the order passed in I.A.No.58 in O.S.No.15/2013 dated 13.01.2026 passed by the Senior Civil Judge and JMFC, Harapanahalli, the petitioners/plaintiffs are before this Court.

2. The petitioners had filed the suit seeking partition and separate possession of the suit schedule properties. The defendant No.2 was later impleaded in the suit, as it is the case of defendant No.2 that she has married the father of the plaintiff. When the matter is posted for argument, at that stage, I.A.No.58 is filed under Order 6 Rule 17 read with Section 151 of CPC to insert item No.10 to 14 of the scheduled properties. The trial Court by impugned order had dismissed the same.

3. While dismissing the application, the trial Court has observed that the petitioners have not sought for amendment of the pleadings, now they want these properties to be inserted. At one stretch, they say that they have no relationship with defendant No.2 and at the other stretch, it is the case that the properties which are purchased in favor of respondent No.2 belongs to the joint family. The trial Court had also observed that



there is no due diligence on the part of the petitioner. The suit is filed in the year 2013. Till 2025, they have not taken any steps for the amendment of the pleadings and accordingly, the trial Court had dismissed the petition.

4. Learned counsel appearing for the petitioners submits that unless and until this amendment is allowed, it would cause lot of hardship to the plaintiffs. It is submitted that, though they are aware of this in the year 2018, in view of the pending writ petition before the High Court, they could not come up with this application before the trial Court. He does not dispute the fact that they have not raised any additional pleadings, sought for any amendment, but they only wanted the properties to be included as the joint family properties. Learned counsel for petitioner has relied on an order passed by the Co-ordinate Bench of this Court in WP.No.108512/2025 dated 16.12.2025. He has relied on paragraph No.25 which reads thus:

"25. The Court is of the considered view that in the following instances (illustratively and not exhaustively), applications seeking amendment of pleadings can be allowed without the "due diligence test," even if such applications are filed "post-commencement of trial."

Applications to:



- (a) correct typographical errors in the dates of events, documents, etc.;***
- (b) correct property number, extent, location, or discrepancies in the boundary or any other misdescription of the property;***
- (c) insert events and developments that have taken place post-filing of the suit and which have a bearing on the final decision;***
- (d) incorporate a prayer owing to a subsequent event that has taken place during the pendency of the suit, keeping open the question of limitation;***
- (e) add a few additional facts or furnish better particulars to the facts already pleaded;***
- (f) add facts in support of the relief already claimed;***
- (g) seek relief in the alternative, which is in the nature of a lesser relief than the one already claimed. Example: In a suit for declaration of exclusive title and injunction, an application seeking the alternative relief of partition.***
- (h) Seek additional relief or relief ancillary to the main relief when the relief sought by way of amendment is available based on the pleadings already made."***

5. Relying on this, it is submitted that in the light of this order, the petitioner is entitled to amend the pleadings even at this stage. It is submitted that the trial Court without considering the consequences of the same had dismissed the application.

6. Learned counsel appearing for the respondents/defendants submits that in fact the matter has come up yesterday and the petitioner has advanced his arguments. The matter is posted only for the purpose of filing the citations. It is submitted that the trial Court had rightly considered all the



aspects in detail, how the amendment is not permissible at this stage and had rightly dismissed the petition and there are no grounds to interfere.

7. Having heard the learned counsels on either side, perused the material on record. The suit is filed in the year 2013, I.A.No.58 is filed under Order 6 rule 17 of CPC to insert some of the properties as joint family property. It is the case of the petitioners that they are aware of the same in the year 2018. When the matter is posted for arguments, at that stage, they have come up with this application. The trial Court had rightly observed that except inserting the properties as joint family properties the petitioners have not even amended the pleadings nor it is their case that why these properties have to be included as joint family properties. Any amount of the evidence or the inclusions of these properties as joint family properties, without there being any pleadings are inconsequential. The trial Court has rightly considered this aspect and had rightly dismissed the application.

8. The judgment which is relied on by the petitioners has to be applied to the facts and circumstances of the case. In the



considered opinion of this Court, the judgment on which the petitioners are relying on does not apply to the facts and circumstances of this case and the trial Court had rightly dismissed the application and this Court finds no reason to interfere.

9. These kinds of petitions which are filed after 13 years cannot be allowed. The whole purport of fixing the timeline under the Code of Civil Procedure is only for a speedy disposal of the case. If this Court allows this writ petition, there will not be an end to the litigation and the matters cannot be decided for decades. In that view of the matter, this Court deems it appropriate to pass the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

MEG
CT: UMD
List No.: 1 Sl No.: 26