



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 100589 OF 2021 (GM-CPC)

BETWEEN:

1. GURUBASAYYA S/O MALLAYYA @
GULAYYA GADAD @ KOCHALAPUR,
AGE: 88 YEARS, R/O. PATTALACHINTI,
TQ. KUSHTAGI, DIST. KOPPAL.
2. SHEKHARAYYA S/O MALLAYYA @
GULAYYA GADAD @ KOCHALAPUR,
AGE: 78 YEARS, OCC. AGRICULTURE,
R/O. PATTALACHINTI, TQ. KUSHTAGI,
DIST. KOPPAL.
3. SHANTHAYYA S/O SHIVAYYA GADAD,
AGE: 54 YEARS, OCC. AGRICULTURE,
R/O. PATTALACHINTI, TQ. KUSHTAGI,
DIST. KOPPAL.

... PETITIONERS

(BY SRI. P.G. MOGALI, ADVOCATE)

AND:

CHANNAMALLAYYA S/O SHANKRAYYA GADAD,
AGE: 34 YEARS, OCC. AGRICULTURE,
R/O. WARD NO.2, PATTALACHINTI,
TQ. KUSHTAGI, DIST. KOPPAL.

... RESPONDENT

(BY SRI. S.A. NEELOPANT, ADVOCATE)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI, QUASHING THE ORDER PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, AT: KUSHTAGI IN O.S. NO.1226/2017 ON I.A. NO.9 DATED 27.01.2021 VIDE ANNEXURE-E AND ALLOW I.A. NO.9 DATED 18.12.2020 VIDE ANNEXURE-C AND ETC.,

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

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

1. This captioned petition is filed by the defendant, assailing the order of the learned Judge who rejected the applications filed at I.A. No.9, the petitioner sought amendment of the written statement to raise the plea regarding the pecuniary jurisdiction of the Court. The said application came to be rejected.

2. Heard the petitioner's counsel and the learned counsel appearing for the respondent.

3. This Court verified the case status, as the counsel on record were not in a position to update the status of the suit. From the case status portal, it is noticed



that the trial of the suit has now concluded and the matter is posted for judgment.

4. Coming to the merits, it is quite strange to note that the defendant has sought to raise a plea regarding the pecuniary jurisdiction of the Court when, admittedly, the suit is filed before the Senior Civil Judge. The Court of the Senior Civil Judge has unlimited pecuniary jurisdiction. Therefore, the very amendment sought by the defendant was unwarranted, and the learned Judge has rightly rejected the application filed in I.A. No.9.

5. The defence regarding pecuniary jurisdiction is not available to the defendant, since the suit is filed before the Senior Civil Judge, who has unlimited pecuniary jurisdiction.

6. The petition is liable to be dismissed on two grounds. Firstly, the plea regarding pecuniary jurisdiction is not available to the petitioner. Secondly, the trial has concluded and the matter is posted for judgment. On both



NC: 2026:KHC-D:8958
WP No. 100589 of 2021

grounds, the petition is liable to be dismissed. Accordingly,
the petition stands ***dismissed***.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

VNP / CT: BCK
LIST NO.: 2 SL NO.: 5