



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201406 OF 2026 (GM-CPC)

BETWEEN:

VIKRAM GADALE S/O RAMESH GADALE,
AGE: 40 YEARS, OCC: NIL,
SINCE SUFFERING FROM MENTAL DISORDER
REPRESENTED BY GUARDIAN,
UMA GADDALE D/O RAMESH GADDALE,
AGE: 37 YEARS, OCC: HOME MAKER,
R/O H.NO.7-6-225, MIG-6, KHB COLONY,
VASAVI NAGAR, RAICHUR-584101.

...PETITIONER

(BY SRI MAHANTESH PATIL, ADVOCATE)

AND:

1. G. SURESH BABU
S/O LATE G. EARANNA RAO @ CHOTA VEERANNA,
AGE: 65 YEARS, OCC: RETIRED EMPLOYEE OF
STATE BANK OF HYDRABAD,
PERMANENT R/O RAICHUR AND NOW RESIDING AT
FLAT.NO.804, 7TH FLOOR,
RAM SRIDHAR APARTMENTS, 16TH MAIN
BTM II STAGE, BENGALURU-560076.

D. LAKSHMI BAI W/O LATE GOPAL RAO AND
D/O LATE G. EARANNA RAO @CHOTA VEERANNA,
DEAD BY LR'S



2. SRI. D.MURALI KRISHNA
S/O D GOPAL RAO,
AGED ABOUT 51 YRS,
R/O D.NO.12/96, GOWLI STREET,
NEAR PINJARGERI-DURGAH,
KURNOOL-518001.
3. SMT. M.AMBICA @LAVANYA
W/O M.CHANDRA (D/O D GOPAL RAO),
AGED ABOUT 46 YEARS,
R/O D.NO 12/96, GOWLI STREET,
NEAR PINJARGERI-DURGAH,
KURNOOL-518001.
4. SMT N.ANJALI
W/O MURALI (D/O D GOPAL RAO),
AGED ABOUT 44 YEARS, CLOTH MERCHANT,
R/O GOWLI STREET, NEAR PINJARGERI-DURGAH,
KURNOOL-518001.
5. ARATHI G. D/O RAMESH GADDALE,
AGE: 27 YEARS, OCC: HOMEMAKER,
R/O H.NO.7-6-225, MIG-6, KHB COLONY,
VASAVI NAGAR, RAICHUR-584101.
6. MOHAMMED JAMEEL AHAMED
S/O MOHAMMED BASHEER AHAMED,
AGE: 25 YEARS, OCC: BUSINESS,
R/O H.NO.2-2-158 AND 159, ZAIN APARTMENTS,
ANDROON QUILLA, RAICHUR-584101.
7. PRAMOD NAHAR
S/O LATE. MADAN LAL NAHAR,
AGE: 40 YEARS, OCC: BUSINESS,
R/O H.NO. THAKUR NIVAS, 1ST FLOOR,
NEAR JAIN TEMPLE ROAD, RAICHUR-584101.
8. RAKESH @ RICKY S/O C.H. VENKATESH,
AGE: 25 YEARS,
OCC: PROPRIETOR OF FASHION PARK,



OPP JANATHA DARHSINI HOTEL, HARIHAR ROAD,
RAICHUR-584101.

9. M/S YASEEN HOME APPLIANCE,
SHOP NO.11-5-36, OPP JANATA DARSHINI HOTEL,
HARIHAR ROAD, RAICHUR-584101.
THROUGH ITS PROP. MOHD. YASEEN
S/O ABDUL KHADAR,
AGE: 40 YEARS

...RESPONDENTS

(BY SRI BASAVARAJ KAREDDY AND
SRI ABHISHEK NAYKODI, ADVOCATES FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, a) SET ASIDE THE IMPUGNED ORDER DATED 06.03.2026 VIDE ANNEXURE-K ON I.A NO. 26 IN OS NO.222/2013 PASSED BY THE LEARNED ADDL. SENIOR CIVIL JUDGE AND JMFC-I AT RAICHUR AND CONSEQUENTLY ALLOW THE IA NO.26; b) PASS SUCH OTHER ORDERS OR DIRECTIONS AS THIS COURT DEEMS JUST AND PROPER UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE AND ALLOW THIS WRIT PETITION.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

Petitioner is before this Court in this Writ Petition filed under Article 227 of the Constitution of India with a prayer to set aside the order dated 06.03.2026 vide Annexure-K passed on I.A.No.26 in O.S.No.222/2013 by



the Court of the Additional Senior Civil Judge and JMFC-I,
Raichur.

2. Heard the learned counsel for the petitioner and
the learned counsel for caveator/respondent No.1.

3. Respondent No.1 herein has filed O.S.No.222/
2013 before the jurisdictional Civil Court at Raichur
seeking relief of partition and separate possession of the
suit schedule properties and also to declare that the
registered gift deed dated 19.10.2013 is not binding on
the plaintiff. In the said suit the contesting defendants
have filed written statement. Petitioner herein who got
himself impleaded as defendant No.8 in the suit had filed
his written statement on 20.01.2018. Subsequently, he
had filed I.A.No.26 on 13.10.2025 under Section 151 of
CPC with a prayer to permit him to file written statement.
The said application was rejected by the Trial Court vide
the order impugned and it is under these circumstances
the petitioner is before this Court.



4. Learned counsel for the petitioner submits that petitioner has been suffering from schizophrenia since he was aged 16 years and therefore, his sister had filed an application in I.A.No.25 with a prayer to appoint her as his guardian. Along with the said application, medical documents were produced and with consent I.A.No.25 was allowed on 17.09.2025. Subsequently the present application was filed seeking permission to file fresh written statement. The Trial Court was therefore not justified in rejecting I.A.No.26.

5. *Per contra*, learned counsel appearing for the caveator has argued in support of the order impugned and submit that since the petitioner has already filed his written statement on 20.01.2018, I.A.No.26 was rightly rejected by the Trial Court.

6. It is not in dispute that after petitioner got himself impleaded as defendant No.8 in O.S.NO.222/2013 before the Trial Court, written statement was filed on his



behalf on 20.01.2018. Merely for the reason that subsequently a guardian has been appointed for the petitioner by the Trial Court, the same would not entitle the petitioner to file a separate written statement. If the petitioner intended to add anything to the earlier written statement filed on behalf of the petitioner, he has to file necessary application seeking amendment of his earlier written statement. The Civil Procedure Code does not provide for filing multiple written statements on behalf of the same party. Under the circumstances, I do not find any illegality or irregularity in the order impugned passed by the Trial Court rejecting I.A.No.26.

7. Learned counsel for the petitioner, at this juncture, submits that petitioner may be granted liberty to file necessary application before the Trial Court to amend his written statement.

8. The said submission is placed on record.



9. Writ petition is ***dismissed*** with liberty as prayed for.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SWK
List No.: 1 Sl No.: 29
CT:PK