



CNR: KAHC010032872026

NC: 2026:KHC:45927
WP No. 1799 of 2026
C/W WP No. 467 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.1799 OF 2026 (GM-CPC)

C/W

WRIT PETITION NO.467 OF 2026 (GM-CPC)

IN W.P. NO.1799/2026

BETWEEN:

SMT. GOWRAMMA
W/O. SRI. ANJANAPPA,
D/O. MARIYAPPA,
AGED ABOUT 64 YEARS,
R/AT NO.60/2, BHARATH NILAYA,
(GANGADHARESHWARA PRASANNA)
8TH CROSS, MARUTHI ROAD,
SHAKAMBARI NAGAR,
J.P. NAGAR, 1ST PHASE (SARAKKI),
BENGALURU - 560 078.

...PETITIONER

(BY SRI. SWAMY M.M., ADVOCATE (V/C))

AND:

1. SMT. JAYAMMA .K
W/O. LATE T. SHIVARAM,
AGED ABOUT 85 YEARS,
2. SMT. SARASWATHI .S
D/O. LATE T. SHIVARAM,
AGED ABOUT 63 YEARS,



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3. SMT. RATHNAMALA .S
D/O. LATE T. SHIVARAM,
AGED ABOUT 61 YEARS,
4. SRI. PREMKUMAR .S
S/O. LATE T. SHIVARAM,
AGED ABOUT 55 YEARS,
5. SRI. SHASHIKIRAN S.,
S/O. LATE T. SHIVARAM,
AGED ABOUT 54 YEARS,

RESPONDENT NOS.1 TO 5 ARE
ALL R/AT 18/39, 4TH STAGE,
4TH BLOCK, PETROL BUNK,
BENGALURU-560 079.

6. SMT. THAYAKKA,
W/O. NARASIMHAIAH,
D/O. LATE THIMMARAYAPPA,
AGED ABOUT 90 YEARS,
R/AT NO.62, RAMAKRISHNA MATT ROAD,
ULLASOR, BENGALURU
(DEFENDANT NO.2 CONVERTED AS
PLAINTIFF NO.2 AS PER COURT ORDER)
7. SMT. CHIKKAMMA,
W/O. NARASIMHAIAH,
D/O. THIMMARAYAPPA,
AGED ABOUT 90 YEARS,
R/AT NO.20, RED COLOUR MASIDE BUILDING,
JALAKANTESHWARA NAGAR,
MAIN ROAD, WILSON GARDEN SLUM,
BENGALURU -30.
8. SMT. KAMALAMMA,
W/O. CHANNAPPA,
D/O. KRISHNAPPA,
AGED ABOUT 55 YEARS,
R/AT NO.09, 4TH MAIN, K.R. GARDEN,
MURUGESHPALYA, HAL POST,
BENGALURU – 19.



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9. SMT. SORAJAMMA,
W/O. TIRUMALAPPA,
AGED ABOUT 65 YEARS,
R/AT NO.44, 4TH CROSS, 4TH MAIN,
K. M. LAYOUT, G. PALYA,
OPP: LITTLE CHAMPION PLAYA HOME,
BENGALURU – 29.
10. SMT. LAKSHMI,
D/O. TIRUMALAPPA,
AGED ABOUT 44 YEARS,
R/AT NO.44, 4TH CROSS,
4TH MAIN, K.M. LAYOUT, S.G. PALYA,
OPP. LITTLE CHAMPION BEACH HOME,
BENGALURU – 29.
11. SRI. HANUMANTHAPPA,
S/O. LATE THIMMARAYAPPA,
AGED ABOUT 80 YEARS,
R/AT NO.47, (REAL ESTATE AGENT),
3RD MAIN, 4TH CROSS,
RAMAJANEYA NAGAR,
CHIKKALSANDRA,
BENGALURU – 61.
12. SMT. AMAYAMMA,
D/O. LATE THIMARAYAPPA,
AGED ABOUT 78 YEARS,
R/AT NO.22, OLD NO.42,
9TH CROSS, NARAYANAPURA,
WILSON GARDEN SLUM,
BENGALURU – 30.
13. SRI. RAVINDRA VAMAN KORE,
S/O LATE VAMAN S. KORE,
AGED ABOUT 86 YEARS,
R/AT 4 A-B, VILLAGE APARTMENTS,
163/11 VANI VILASA ROAD,
BASAVANAGUDI, BENGALURU – 04.
14. SRI. GANESH,
S/O. CHANNAPPA,
AGED ABOUT 61 YEARS,



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R/AT T. BEGUR,
PREACHING HOBLI,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT.

15. SMT. SEEMA GAJARIA,
W/O. LATE BHARATH R. GARARIA,
AGED ABOUT 70 YEARS,
R/AT NO.403,
SHANTHINIKETHAN APARTMENTS,
NO.294, 34TH CROSS, JAYANAGAR,
7TH BLOCK, BENGALURU – 82.
16. SRI. MANISH B. GAJARIA,
S/O. LATE BHARATH R. GAJARIA,
AGED ABOUT 49 YEARS,
R/AT NO.294, 34TH CROSS,
JAYANAGAR, 7TH BLOCK,
BENGALURU – 82.
17. SRI GIRISH B. GAJARIA,
S/O LATE BHARATH R. GARARIA,
AGED ABOUT 47 YEARS,
R/AT NO.403,
SHANTHINIKETHAN APARTMENTS,
NO.294, 34TH CROSS, JAYANAGAR,
7TH BLOCK, BENGALURU – 82.
18. SPECIAL LAND ACQUISITION OFFICER,
NO.30/2, KINI BUILDING,
1ST CROSS, GANDHINAGAR,
BENGALURU-560 009.
19. SPECIAL LAND ACQUISITION OFFICER,
NELAMANGALA, TUMKUR HIGHWAY,
BENGALURU-560 001.
20. COMMISSIONER,
DEPARTMENT OF INDUSTRIES AND COMMERCE,
STATE OF KARNATAKA,
“KHANIJA BHAVAN”
RACE COURSE ROAD,
BENGALURU.



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21. SRI. NAGARAJU,
S/O. LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 82 YEARS,
22. SMT. LAKSHMAMMA,
D/O. LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 80 YEARS,
23. SMT. RATHNAMMA,
D/O. LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 73 YEARS,
24. SRI. SRINIVASA R.,
S/O. LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 70 YEARS,
25. SRI. NARAYANA R.,
S/O. LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 67 YEARS,
26. SMT. VASANTHA,
D/O. LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 63 YEARS,
27. SMT. LEELAVATHI,
D/O. LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 61 YEARS,

RESPONDENT NOS.21 TO 27 ARE ALL
R/AT NO.700, 15TH MAIN ROAD,
MATHIKERE, BENGALURU – 54.

28. SRI. B.T. SRINIVASA MURTHY,
S/O. LATE MUDALATHIMMAIAH .T
@ MUDALAGIRITHIMMAPPA,
AGED ABOUT 84 YEARS,
29. SRI. RAMESH,
S/O. LATE MUDALATHIMMAIAH .T
@ MUDALAGIRITHIMMAPPA,
AGED ABOUT 77 YEARS,



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30. SRI. SURESH,
S/O. LATE MUDALATHIMMAIAH .T
@ MUDALAGIRITHIMMAPPA,
AGED ABOUT 77 YEARS,

RESPONDENT NOS.28 TO 30 ARE ALL
R/AT NO.25/1, 1ST CROSS,
AZADNAGARA, CHAMARAJAPET,
BENGALURU – 18.

...RESPONDENTS

(BY SRI. SURESH P., ADVOCATE FOR R-1 TO R-5; NOTICES TO R-6
TO R-30 ARE DISPENSED WITH V/O. DATED 17.03.2026)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH / SET
ASIDE THE ORDER DATED 16.12.2025 PASSED ON I.A.NO.22 IN
O.S.NO.123/2010 BY THE SENIOR CIVIL JUDGE, NELAMANGALA
VIDE ANNEXURE-'E' AND CONSEQUENTLY REJECT THE
APPLICATION.

IN W.P.NO.467/2026

BETWEEN:

1. SRI. NAGARAJU
S/O LATE MELUGIRIYAPPA @ RAJANNA
AGED ABOUT 82 YEARS,
R/AT NO.700, 15TH MAIN ROAD,
MATHIKERE, BENGALURU – 560054.
2. SMT. LAKSHMAMMA
D/O LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 80 YEARS,
R/AT NO.700, 15TH MAIN ROAD,
MATHIKERE, BENGALURU – 560054.
3. SMT. RATHNAMMA
D/O LATE MELUGIRIYAPPA @ RAJANNA
AGED ABOUT 73 YEARS,
R/AT NO.700, 15TH MAIN ROAD,
MATHIKERE, BENGALURU – 560054.



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4. SRI. SRINIVASA .R
S/O LATE MELUGIRIYAPPA @ RAJANNA
AGED ABOUT 70 YEARS,
R/AT NO.700, 15TH MAIN ROAD,
MATHIKERE, BENGALURU – 560054.
5. SRI. NARAYANA .R
S/O LATE MELUGIRIYAPPA @ RAJANNA
AGED ABOUT 67 YEARS,
R/AT NO.700, 15TH MAIN ROAD,
MATHIKERE, BENGALURU – 560054.
6. SMT. VASANTHA,
D/O LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 63 YEARS,
R/AT NO.700, 15TH MAIN ROAD,
MATHIKERE, BENGALURU-560054.
7. SMT. LEELAVATHI
D/O LATE MELUGIRIYAPPA @ RAJANNA,
AGED ABOUT 61 YEARS,
R/AT NO.700, 15TH MAIN ROAD,
MATHIKERE, BENGALURU-560054.

...PETITIONERS

(BY SRI. NATARAJA B.S., ADVOCATE)

AND:

1. SMT. JAYAMMA .K
D/O. LATE T. SHIVARAM,
AGED BOUT 85 YEARS,
2. SMT. SARASWATHI .S
D/O. LATE T. SHIVARAM,
AGED BOUT 63 YEARS,
3. SMT. RATHNAMALA .S
D/O. LATE T. SHIVARAM,
AGED BOUT 61 YEARS,
4. SRI. PREMKUMAR .S
S/O. LATE T. SHIVARAM,
AGED BOUT 55 YEARS,



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5. SRI. SHASHIKIRAN .S
S/O. LATE T. SHIVARAM,
AGED BOUT 55 YEARS,

RESPONDENT NOS.1 TO 5 ARE
R/AT 18/39, 4TH STAGE,
4TH BLOCK, PETROL BUNK,
BENGALURU-560 079.
6. SMT. THAYAKKA
W/O. NARASIMHAIAH,
D/O. LATE THIMMARAYAPPA,
AGED ABOUT 90 YEARS,
R/AT NO.62, RAMAKRISHNA MATT ROAD,
ULLASOR, BENGALURU-560 008.
7. SMT. GOWRAMMA
W/O. SRI. ANJANAPPA,
D/O. MARIYAPPA,
AGED ABOUT 64 YEARS,
R/AT NO.60/2, BHARATHNILAYA,
(GANGADHARESHWARA PRASANNA)
8TH CROSS, MARUTHI ROAD,
SHAKAMBARINAGAR, J.P. NAGAR,
1ST PHASE (SARAKKI),
BENGALURU - 560 078.
8. SMT. CHIKKAMMA
W/O. NARASIMHAIAH,
D/O. THIMMARAYAPPA,
AGED ABOUT 90 YEARS,
R/AT NO.20, RED COLOUR MASIDE BUILDING,
JALAKANTESHWARANAGAR,
MAIN ROAD, WILSON GARDEN SLUM,
BENGALURU -560030.
9. SMT. KAMALAMMA
W/O. CHANNAPPA,
D/O. KRISHNAPPA,
AGED ABOUT 55 YEARS,
R/AT NO.09, 4TH MAIN, K.R. GARDEN,
MURUGESHPALYA, HAL POST,
BENGALURU – 560 019.



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10. SMT. SORAJAMMA
W/O. TIRUMALAPPA,
AGED ABOUT 65 YEARS,
R/AT NO.44, 4TH CROSS,
4TH MAIN, K.M. LAYOUT, G. PALYA,
OPP. LITTLE CHAMPION PLAYA HOME,
BENGALURU – 560 029.
11. SMT. LAKSHMI
D/O. TIRUMALAPPA,
AGED ABOUT 44 YEARS,
R/AT NO.44, 4TH CROSS,
4TH MAIN, K.M. LAYOUT, S.G. PALYA,
OPP. LITTLE CHAMPION BEACH HOME,
BENGALURU – 560 029.
12. SRI. HANUMANTHAPPA
S/O. LATE THIMMARAYAPPA,
AGED ABOUT 80 YEARS,
R/AT NO.47, (REAL ESTATE AGENT),
3RD MAIN, 4TH CROSS,
RAMAJANEYANAGAR,
CHIKKALSANDRA,
BENGALURU – 560 061.
13. SMT. AMAYAMMA,
D/O. LATE THIMARAYAPPA,
AGED ABOUT 78 YEARS,
R/AT NO.22, OLD NO.42,
9TH CROSS, NARAYANAPURA,
WILSON GARDEN SLUM,
BENGALURU – 560 030.
14. SRI. RAVINDRA VAMAN KORE
S/O LATE VAMAN S KORE,
AGED ABOUT 86 YEARS,
R/AT 4 A-B, VILLAGE APARTMENTS,
163/11 VANI VILASA ROAD,
BASAVANAGUDI,
BENGALURU – 560 004.



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15. SRI. GANESH,
S/O. CHANNAPPA,
AGED ABOUT 61 YEARS,
R/AT T. BEGUR, KASABA HOBLI,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT,
BENGALURU – 562 104.
16. SMT. SEEMA GAJARIA,
W/O. LATE BHARATH R GARARIA,
AGED ABOUT 70 YEARS,
R/AT NO.403, SHANTHINIKETHAN APARTMENTS,
NO.294, 34TH CROSS, JAYANAGAR,
7TH BLOCK, BENGALURU – 560 082.
17. SRI. MANISH B. GAJARIA
S/O LATE BHARATH. R. GAJARIA
AGED ABOUT 49 YEARS,
R/AT NO.294, 34TH CROSS,
JAYANAGAR, 7TH BLOCK,
BENGALURU – 560 082.
18. SRI. GIRISH B. GAJARIA,
S/O LATE BHARATH R. GAJARIA,
AGED ABOUT 47 YEARS,
R/AT NO.403, SHANTHINIKETHAN APARTMENTS,
NO.294, 34TH CROSS, JAYANAGAR,
7TH BLOCK, BENGALURU – 560 082.
19. SPECIAL LAND ACQUISITION OFFICER,
NO.30/2, KINI BUILDING,
1ST CROSS, GANDHINAGAR,
BENGALURU - 560 009.
20. SPECIAL LAND ACQUISITION OFFICER,
NELAMANGALA, TUMAKUR HIGHWAY,
BENGALURU – 560 001.
21. THE COMMISSIONER,
DEPARTMENT OF INDUSTRIES AND COMMERCE,
STATE OF KARNATAKA,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BENGALURU – 560 001.



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22. SRI. B.T. SRINIVASA MURTHY
S/O. LATE MUDALATHIMMAIAH .T
@ MUDALAGIRITHIMMAPPA,
AGED ABOUT 84 YEARS
R/AT NO.25/1, 1ST CROSS,
AZADNAGARA, CHAMARAJAPET,
BENGALURU – 560 018.
23. SRI. RAMESH
S/O. LATE MUDALATHIMMAIAH .T
@ MUDALAGIRITHIMMAPPA,
AGED ABOUT 77 YEARS,
R/AT NO.25/1, 1ST CROSS,
AZADNAGARA, CHAMARAJAPET,
BENGALURU – 560 018.
24. SRI. SURESH
S/O. LATE MUDALATHIMMAIAH .T
@ MUDALAGIRITHIMMAPPA,
AGED ABOUT 77 YEARS,
R/AT NO.25/1, 1ST CROSS,
AZADNAGARA, CHAMARAJAPET,
BENGALURU - 560 018.

...RESPONDENTS

(BY SRI. SURESH P., ADVOCATE FOR R-1 TO R-5;
SRI. VELLANKI RAVI, ADVOCATE FOR R-22 TO R-24;
SRI. MANJUNATH A., AGA FOR R-19, R-20 AND R-21;
V/O. DATED 12.01.2026 NOTICE TO R-8 TO R-18 IS D/W;
V/O. DATED 17.03.2026 NOTICE TO R-6 IS DISPENSED WITH;
NOTICE TO R-7 IS SERVED & UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 16.12.2025 IN O.S.NO.123/2010 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT NELAMANGALA AS PER ANNEXURE-E, AND THEREBY ORDER TO DISMISS THE APPLICATION (I.A. NO.25) UNDER ORDER 6 RULE 17 R/W SECTION 151 OF CODE OF CIVIL PROCEDURE AS PER ANNEXURE-C.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

Defendant No.1 and defendant Nos. 17 to 23 have filed the present writ petitions calling in question the order dated 16.12.2025 passed by the Senior Civil Judge and JMFC, Nelamangala, on I.A Nos. 22 and 25 filed by plaintiff No. 1 under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 [**CPC**], whereby the Trial Court permitted amendment of the plaint.

BRIEF FACTS

2. The plaintiffs instituted suit O.S No. 123/2010 seeking partition and separate possession of the suit schedule properties. Defendants 17 to 23 who are petitioners in W.P No. 467/2026 and defendants 24 to 26 filed their written statement-cum-counter claim on 27.06.2023 and 31.05.2023 respectively. Issues have been framed and the trial has substantially progressed. Plaintiff No. 1(d) was examined on several dates, namely 05.12.2013, 24.01.2017 and 23.10.2018 and marked documents at Exs. P1 to P60. PW2 was also examined. It was at this stage, the plaintiff No.1 filed I.A Nos.22 and 25 under Order VI Rule 17 CPC seeking amendment of



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the plaint. By the said applications, the plaintiff No.1 *inter alia* sought deletion of item Nos. 11 and 12, correction of the extent of item No. 10, and incorporation of additional properties. In particular, the sub-division of item No. 12 (Sy. No.95), and introduction of sub-divisions of Sy. No. 94, namely 94/1, 94/2, 94/3 and 94/4 with respective extents.

3. The defendants opposed the said application principally contending that the amendment sought is after lapse of 15 years without explaining why the properties could not have been included in the original plaint and the plaintiffs have failed to satisfy the requirement of diligence.

4. The petitioners in W.P. No. 467/2026, apart from raising the objection of delay, would specifically contend that item No. 12 comprises of Sy. Nos. 94 and 95 and that Sy No. 95 is also a subject matter of their counter claim. According to them, deletion of item No. 12 would consequently affect their rights in respect of Sy No.95. They rely upon the existing pleadings and documents, including a registered gift deed dated 24.10.1927 (Ex.D1) and would contend that the effect of the proposed



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amendment and the plea of counter claim has not been properly considered.

5. Similar contention as raised by the petitioners in W. P. No. 467/2026 is the contention raised by the petitioners in W.P. No. 1799/2026 as well. That the application for amendment is filed after a delay of nearly 15 years.

6. The Trial Court assigns the reason that the nature of the suit does not change, the cause of action has also not changed and the amendment would not cause any prejudice to the defendants.

7. This court has considered the submissions and perused the material on record.

8. The suit is of the year 2010. The trial has already commenced. The plaintiffs filed an application-I.A. No. 4 under Order VI Rule 17 of CPC seeking to amend the plaint and by way of amendment sought to insert item Nos. 8 to 12. The Trial Court by the order dated 23.09.2014 allowed the application. The defendants 17 to 23 and 24 to 26 filed a written statement and counter claim specifically claiming right over Sy. Nos. 94



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and 95 based on the gift deed executed by the original propositus Ramanna. The proviso to Order VI Rule 17 of CPC requires that after commencement of trial, if satisfied, despite due diligence, the party could not raise a matter before the commencement of trial. In the present case, the petitioners themselves have incorporated by way of an amendment and no satisfactory explanation has been furnished for their omission from the original case. The proposed amendment insofar as it relates to the description and incorporation of the sub-division of Sy No. 94 is intended to place before the Court the properties which the plaintiffs think has been sub-divided and phoded. The amendment therefore does not introduce a fundamentally different cause of action so as to alter the nature of the character of the suit. The fact remains that the defendants 17 to 23 and 24 to 26 have filed a counter claim in respect of Sy.No.95. The counter claim is no doubt an independent claim of the defendants. However, it is material to note that in light of the categorical insertion of Sy. No. 95 by way of amendment, the subsequent deletion without assigning any reasons and the exercise by the Trial Court in allowing the amendment is



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unwarranted. In these circumstances, this Court holds that the impugned order in so far as it pertains to Sy. No. 95 calls for interference by this Court.

9. Accordingly, the Writ Petition is allowed in part. The impugned order is modified to the extent of item Nos. 10, 11, 12 so far as it pertains to only Sy No. 94 and not Sy. No. 95. It is also noted that earlier this Court in MFA No. 7739/2025 has given specific directions. The Trial Court shall consider the same.

Sd/-

JUSTICE K.S. HEMALEKHA

CKL
List No.: 1 SI No.: 22