



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 9943 OF 2019 (GM-CPC)

BETWEEN:

SMT. LAKSHMAMMA
SINCE DEAD BY HER LRS,

1. SRI. SHIVASWAMY M,
AGE 54 YEARS,
2. SRI. NARAYANASWAMY M
AGED ABOUT 49 YEARS
3. SRI. BASAVARAJ M
AGED ABOUT 45 YEARS
4. SRI. HARIKRISHNA M.
AGED ABOUT 42 YEARS
5. SRI. MALLESH M
AGED ABOUT 40 YEARS,

ALL ARE SONS OF LATE G. MUNISWAMAPPA
R/O. GOTTIGERE POST,
VADDARAPALYA,
8TH PHASE, JP NAGAR,
KOTHANURU VILLAGE,
UTTARAHALLI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU - 560 086

...PETITIONERS

(BY SRI. MOHAN KUMAR T., ADVOCATE)

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka





AND:

1. SRI GANESH M
S/O. LATE. MUNISWAMAPPA,
SINCE DECEASED BY LRS
- 1A. SMT. LAKSHMAMMA
W/O. LATE GANESH @ GANESHAPPA
AGED ABOUT 56 YEARS
- 1B. SMT. GEETHA G.
D/O. LATE GANESH @ GANESHAPPA
AGED ABOUT 25 YEARS
- 1C. SMT. HEMALATHA
D/O. LATE GANESH @ GANESHAPPA
W/O. RAGHU @ DAKAPPA
AGED ABOUT 22 YEARS
- 1D. SMT. JYOTHI
W/O. LINGARAJU
D/O. LATE GANESH @ GANESHAPPA
AGED ABOUT 21 YEARS

ALL ARE R/AT SEESEPALYA
SOMPURA HOBLI, KAMBALU POST
NELAMANGALA TALUK
BENGALURU
BENGALURU RURAL DISTRICT

AMENDED AS PER COURT ORDER DATED 12.06.2026

2. SPECIAL LAND ACQUISITION OFFICER
KIADB, 2ND FLOOR,
THIMMAIAH COMPLEX,



GANDHINAGAR,
BEHIND TRIBUVAN TALKIES,
BENGALURU - 560 001

...RESPONDENTS

(BY SRI. P.V., CHANDRASHEKAR, ADVOCATE FOR R2
SRI. B.P. SWAMY, ADVOCATE FOR PROPOSED R1 (A TOD))

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO-QUASH THE IMPGUNED
ORDER DATED 20.12.2018 ON I.A.NO.9 VIDE ANNEX-F PASSED
BY THE CIVIL JUDGE, JUNIOR DIVISION AND JMFC AT
NELAMANGALA (BANGALORE RURAL DISTRICT), IN
O.S.202/2011 BY ALLOWING THE ABOVE W.P. AND ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated
20.12.2018 passed on I.A.No.9 under Order VI Rule 17 of
the Code of Civil Procedure in O.S.No.202/2011 by the
Civil Judge, Junior Division and JMFC, Nelamangala



(Bangalore Rural District) (hereinafter referred to as the 'Trial Court' for short).

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. Respondent No.1/plaintiff has filed a suit in O.S.No.202/2011 against the petitioners/defendant Nos.1 to 6 seeking relief of declaration that the gift deed dated 13.12.2010 does not bind the plaintiff and for the consequential relief of injunction. In the said suit, the petitioners herein are defendant Nos.1 to 6. They contested the proceedings. The Trial Court framed the issues, and the matter was posted for recording of evidence. At that stage, defendant Nos.1 to 6 filed an application under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure seeking to amend the written statement. The said application was opposed by the plaintiff and which came to be rejected by the Trial Court solely on the ground that the proposed amendment is introducing evidence in the pleadings.



4. It is required to be noticed that, in the proposed amendment, the defendants are contending that the plaintiff produced a fabricated genealogy tree, which has been marked as Ex.P8, and that defendant No.4 had filed a private complaint against the plaintiff, pursuant to which the police, after investigation, filed a charge sheet. In my considered view, though such a pleading may not be strictly necessary to adjudicate the dispute between the parties, however, these are the facts which the defendants intend to bring on record before the Court and which have taken place subsequent to the marking of Ex.P8. By allowing the said application, no prejudice would be caused to the plaintiff nor change the scope of suit. Hence, I proceed to pass the following:

ORDER

- i) The writ petition is ***allowed***.
- ii) The impugned order dated 20.12.2018 passed on I.A.No.9 under Order VI Rule 17 of the Code of Civil Procedure in



O.S.No.202/2011 by the Civil Judge, Junior Division and JMFC, Nelamangala is hereby set aside.

- iii) Consequently, I.A.No.9 filed by the defendant Nos.1 to 6 under Order VI Rule 17 of the Code of Civil Procedure is allowed.
- iv) The defendants shall file the amended written statement within a period of three weeks from the date of receipt of a copy of this order.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

SHS
List No.: 1 Sl No.: 1