



CNR: KAHC010074382023

NC: 2026:KHC:40911
WP No. 3188 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 3188 OF 2023 (GM-CPC)

BETWEEN:

SMT LAKSHMAMMA (DEAD)
SMT NARASAMMA (DEAD),
K VENKATARAMANAPPA (DEAD)
COMMON LEGAL HEIRS TO
DECEASED PLAINTIFFS 1 TO 3,
SRI CHANDRASHEKAR (DEAD BY LRS)

1. SMT SAVITHRAMMA,
AGED 57 YDARS,
W/O LATE CHANDRASHEKAR,
R/AT NO.153, JEEVANAHALLI,
COX TOWN, BENGALURU - 560 005
2. SRI RAVIKUMAR
AGED 34 YEARS,
S/O LATE CHANDRASHEKAR,
R/AT NO.153, JEEVANAHALLI,
COX TOWN, BENGALURU - 560 005
3. SMT RADHA
AGED 33 YEARS,
W/O RAJAPPA,
D/O LATE CHANDRASHEKAR,
R/AT NO.153, JEEVANAHALLI,
COX TOWN, BENGALURU - 560 005

Digitally
signed by
SUNITHA K S
Location:
High Court of
Karnataka



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SRI V BALAKRISHNA (DEAD)
SRI V MUNIRAJA (DEAD)
V VIJAYAKUMAR (DEAD)

4. SRI V BABU,
AGED ABOUT 26 YEARS,
5. SRI VENKATESH
AGED ABOUT 42 YEARS,
R/AT NO.153,

RESPONDENTS NO.4 AND 5 ARE
RESIDING AT NO.153,
JEEVANAHALI, COX TOWN,
BENGALURU - 560 005

SMT RATHNAMMA
DEAD BY LRS.,

6. SRI A M SHIVARAJAKUMAR,
AGED ABOUT 21 YEARS,
7. SRI M BALAKRISHNA
AGED ABOUT 20 YEARS,
8. SRI A V MUNISWAMY
AGED ABOUT 45 YEARS,
HUSBAND OF RATHNAMMA,

RESPONDENTS NO.6 TO 8 ARE R/OF
DAMMULA GUDISALU, DIGGURU VILLAGE,
PERISANDRA, CHIKKABALLAPURA TALUK - 562 104

TEMPORARY ADDRESS NO.153,
JEEVANAHALI, COX TOWN,
BENGALURU-560005



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9. SMT SHOBHA
AGED 23 YEARS,
W/O SRINIVAS,
R/OF GUDIBANDA,
BAGEPALLI,
KOLAR DISTRICT - 561 209

TEMPORARY ADDRESS,
NO.153, JEEVANAHALI, COX TOWN,
BENGALURU - 560 005

...PETITIONERS

(BY SRI. PUNDIKAI ISHWARA BHAT, ADVOCATE)

AND:

MR. SEETHARAMAIAH
SINCE DEAD BY HIS LRS.,
RAMAKRISHNA (DEAD)

1. MISS. NEELA,
AGED ABOUT 18 YEARS,
2. MISS DIVYA
AGED ABOUT 15 YEARS,
3. MISS SUSHMA
AGED ABOUT 10 YEARS,

NO.1 TO 3 ARE THE DAUGHTERS OF
RAMAKRISHNA AND GRAND DAUGHTERS OF
LATE SEETATHARAMAIAH,
BEING MINORS REPRESENTED BY NATURAL
GUARDIAN MOTHER, SMT. SHYLA



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RESPONDENTS NO.1 TO 3 ARE
R/AT PORTION OF NO.153,
JEEVANAHALI, COX TOWN,
BENGALURU - 560 005

4. SMT SHANTHA
AGED ABOUT 38 YEARS,
W/O LATE KODANDA
(DECEASED S/O LATE SEETHARAMAIAH)
5. SRI DHARMENDRA
AGED ABOUT 23 YEARS,
S/O LATE KODANDA,
GRANDSON OF SEETHARAMAIAH,
6. MRS NAVANITHA @ MONICA
D/O LATE KODANDA AND GRANDDAUGHTER OF
SEETHARAMAIAH
AGED 21 YEARS,
SINCE DEAD BY LR - R4
7. MISS DEVI
AGED 18 YEARS,

RESPONDENTS NO.4 TO 7 ARE DAUGHTERS OF
LATE KODANDA AND GRAND DAUGHTERS OF
SEETHARAMAIAH,

RESPONDENTS NO.4 TO 7 ARE
RESIDING AT PORTION OF NO.153,
JEEVANAHALI, COX TOWN,
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SMT SHARADA
(DEAD BY LRS)



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8. SRI UMESH
MAJOR,
S/O LATE SHARADA,
R/AT NAVATA ROAD TRANSPORT,
OPP. LIC OFFICE, WARD NO.15,
BHARATHI NAGAR,
CHIKKABALLAPURA - 562 101
9. SMT MADHAVI
MAJOR,
D/O LATE SHARADA,
R/AT NAVATA ROAD TRANSPORT,
OPP LIC OFFICE, WARD NO.15,
BHARATHI NAGAR,
CHIKKABALLAPURA - 562 101
10. SMT CHANDRA
AGED 39 YEARS,
D/O LATE SEETHARAMAIAH,
R/O CHIKKABALLAPURA,
NOW. C/O SRI RAMAKRISHNA,
PORTION OF NO.153, JEEVANAHALI,
COX TOWN,
BENGALURU - 560 005

...RESPONDENTS

(BY SRI. MANOJ K., ADVOCATE FOR
SRI. MAHABALESHWAR G.C., ADVOCATE FOR R1 - R5 & R7
R8 AND R9 SERVED
VIDE ORDER DATED 29.01.2024,
NOTICE TO R10 IS DISPENSED IWTH)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH ORDERS DATED



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25/08/2022, 03/09/2022, 14/09/2022 PASSED BY THE XXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, MAYO HALL, BENGALURU, IN OS NO. 15400/2000 IN SO FAR AS PERMITTING THE DEFENDANTS TO FILE ADDITIONAL WRITTEN STATEMENT AND THE ORDER DATED 30/01/2022 PASSED BY THE XXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, MAYO HALL, BENGALURU, REJECTING I A NO.1/2022 IN OS NO. 15400/2000, AS PER ANNEXURE-A.

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 seeking the following reliefs:

"a) Issue a Writ of Certiorari or any other appropriate writ and quash orders dated 25.08.2022, 03.09.2022, 14.09.2022 passed by the XXVIII Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru, in OS.No.15400/2000 in so far as permitting the defendants to file Additional Written statement and the order dated 30.01.2022 passed by the XXVIII Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru, rejecting I.A.No.1/2022 in O.S.No.15400/2000, as per Annexure-A.

b) Grant such other and further relief as this Hon'ble Court deems fit to grant in the circumstances of the case, in the interest of justice and equity."



2. Heard Sri Pundikai Ishwara Bhat, learned counsel for the petitioner, and Sri. Manoj. K., learned counsel appearing on behalf of Sri Mahabaleshwar G.C., learned counsel for respondent Nos.1 to 5 and 7.

3. The petitioners herein had filed a suit in O.S.No.15400/2000 on the file of the XXVIII Additional City Civil Judge, Mayo Hall, Bengaluru (hereinafter referred to as the 'trial Court' for short) seeking the relief of declaration and other reliefs. The said suit came to be partly decreed, which was assailed by the plaintiffs as well as the defendants in RFA.No.775/2013 c/w RFA.No.481/2014. This Court, vide order dated 08.07.2022, allowed the appeals by setting aside the judgment and decree dated 01.01.2013 passed in O.S.No.15400/2000 by the XXVIII Additional City Civil Judge, Mayo Hall, Bengaluru, and remitted the matter back to the trial Court for reconsideration afresh, in accordance with law.



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4. After remand of the suit to the trial Court, the petitioners filed an application to bring the legal representatives of the deceased defendants on record, which came to be allowed and they were permitted to be brought on record. The legal representatives filed an additional written statement, which was taken on record by the trial Court. Thereafter, the plaintiffs filed an application in I.A.No.1/2022 under Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC'), praying to reject the additional written statement dated 14.09.2022 filed by defendant Nos.1(b)(c)(d), 2(a)(b) and (d). The trial Court, under the impugned order dated 30.01.2023, rejected the said application.

5. The primary contention of the learned counsel for the petitioners is that the legal representatives of the original defendants cannot take a new plea in the written statement, nor can they take a stand contrary to that of the original defendants. In order to substantiate the said contention, he placed reliance on the decisions of the



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Hon'ble Supreme Court in the cases of ***J.C. CHATTERJEE AND OTHERS VS. SHRI SRI KISHAN TANDON AND ANOTHER¹***, ***BAL KISHAN VS. OM PRAKASH AND ANOTHER²*** and ***VIDYAWATI VS. MAN MOHAN AND OTHERS³***.

6. It is to be noticed that, after remand by this Court in the regular first appeals, the legal representatives of the deceased defendants were brought on record. As per Order XXII Rule 4(2) of the CPC, any person so made a party may make any defence appropriate to his character as a legal representative of the deceased defendant.

7. The aforesaid provision of law makes it clear that a legal representative of a party can make an appropriate defence. Now, the question that arises for consideration is whether the legal representatives are

¹ AIR 1972 SC 2526

² AIR 1986 SC 1952

³ AIR 1995 SC 1653



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raising a new defence or taking any contrary stand to the stand taken by the original defendant.

8. In my considered view, the said issue is required to be gone into by the trial Court, when the suit is heard and decided on merits. It is open to the plaintiffs to point out that, if any new facts or new defence are raised by the legal representatives or if they have raised the contrary defence than the original defendants.

9. The decision of the Hon'ble Supreme Court referred to supra pertains to tenancy disputes, wherein it is held that the legal heirs can put forth their defence appropriate to their representative character and not one which was personal to the deceased.

10. Keeping in mind the enunciation of law in the aforesaid decisions of the Hon'ble Supreme Court, I am of the view that if the legal representatives of the defendants have raised any new plea or taken a contrary stand to that of the defendant, it is always open for the plaintiffs to



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point out the same before the trial Court at the time of deciding the suit.

11. With the aforesaid observations, I am of the considered view that the legal representatives of the defendants are entitled to file an additional written statement, and the trial Court has fully justified in rejecting the application. I do not find any good ground to interfere with the impugned order.

12. Accordingly, the writ petition is ***disposed of***.

13. In view of disposal of the writ petition, pending applications, if any, stand closed.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

SHS
List No.: 1 Sl No.: 13