



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 5012 OF 2026 (GM-CPC)

BETWEEN:

SMT. SARASWATHAMMA
AGED ABOUT 50 YEARS,
D/O LATE MALLAPPA,
W/O M.R.MUNISWAMY
R/T NO.436, 2ND CROSS,
DARMARAYANAGARA PALLAVI KALONI
BANGARPET MAIN ROAD,
KOLAR DISTRICT - 563 101

...PETITIONERS

(BY SRI. JAGADEESHA K J.,ADVOCATE)

AND:

1. CHANDRAPPA
AGED ABOUT 56 YEARS,
S/O LATE ANJINAPPA
PATALAMMA NILAYA
NANJAMMA HOSPITAL ROAD,
MARUTHI EXTENSION, MALUR TOWN,
MALUR TALUK, KOLAR DISTRICT - 563 160

SRI M G GANGARAM SINGH SINCE DEAD BY LRS

2. SMT JAMUNA BAI
W/O LATE GANGARAM SINGH
AGED ABOUT 50 YEARS



3. SMT. NISHA G.SINGH
AGED ABOUT 30 YEARS,
D/O LATE GANGARAM SINGH
4. SRI. NIKIHIL G. SINGH
AGED ABOUT 28 YEARS,
S/O LATE GANGARAM SINGH
RESIDENTS OF MATHANGAPURA VILLAGE,
HUDEDEHALLI POST, MASTHI HOBLI,
MALUR TALUK,
KOLAR DISTRICT - 563 160
5. SMT. VIJAYALAKSHMI
AGED ABOUT 69 YEARS,
W/O R.VENKATESH
AGRAHARA BEEDI
G.H.P. SCHOOL ROAD,
MALUR TOWN, MALUR TALUK,
KOLAR DISTRICT - 563 160
6. THE SPECIAL LAND ACQUISITION
OFFICER, K.I.A.D.B.
NO.1, KIADB NO.39,
SHANTHI GRUHA
BHARATH SCOUTS AND GUIDES BUILDING
4TH FLOOR, PALACE ROAD,
BANGALORE- 560 001

...RESPONDENTS

(BY SRI. C SHANKAR REDDY, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO(A) ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED ORDER DATED 05/02/2026 BY ALLOWING THE I.A.XIX FILED BY THE DEFENDANT -2 AND 3 UNDER ORDER 6 RULE 17 OF THE CODE OF CIVIL PROCEDURE SEEKING AMENDMENT TO



THE WRITTEN STATEMENT IN O.S.177/2022 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT MALUR VIDE ANNEXURE-L.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order passed in IA No.XIX in O.S.No177/2022 dated 05.02.2026 on the file of the Senior Civil Judge and JMFC, Malur, the plaintiff is before this Court.

2. The plaintiff herein has filed a suit for declaration and injunction. In the said suit, the present IA is filed by the LR's of defendant Nos.2 and 3 under Order VI Rule 17 r/w Section 151 of CPC seeking amendment of the written statement that came to be allowed by the order impugned.

3. It is the specific contention of the plaintiff that she is the owner and in peaceful possession of the suit schedule property. Per contra, the contention of defendant No.3 is that she is the purchaser of the suit schedule property by registered sale deed, and that the earlier proceedings were not disclosed by the plaintiff while filing the present suit. The said transactions are required to adjudicate the matter effectively



between the parties. In the proposed amendment, defendant No.3 has stated that earlier proceedings took place in OS No. 158/1998, OS No. 75/2011, RA No. 1/2012, OS No. 527/2011, and OS No. 623/2022. The said suits have been decided between the plaintiff's family members. Therefore, at this stage, the defendant No.3 has made out sufficient grounds to consider her application. So far, decisions relied on the plaintiff counsel are concerned, the Court has observed that the plaintiff has not disclosed anything in respect to the earlier proceedings in OS No.75/2011, RA No. 1/2012, OS No. 527/2011, and OS No. 623/2022 in the plaint, which had taken place between the family members in respect of the suit schedule property and other family properties. The Court observed that it is suppression of material facts. Therefore, defendant No.3 had brought this to the knowledge of the Court certain crucial aspects by way of this amendment, so the question of due diligence does not come in the way of the defendant. The Hon'ble Apex Court has held that, in deserving cases, the Court can consider the delay in seeking amendment by compensating the other side by awarding costs. Accordingly, the application is allowed by imposing costs of Rs.500.



4. Learned counsel appearing for the petitioner/plaintiff submits that, after the commencement of the trial, the Court ought not to have allowed the IA filed for amendment of the written statement. It is submitted that, in fact, it is a reiteration of what has already been stated in the written statement or in the plaint. It is submitted that the advocate who has conducted due diligence in the same case is the advocate appearing for the defendant before the Trial Court. He is aware of all these transactions, and this application is filed at a belated stage. The affidavit that is filed in support of the IA is completely silent. The court, without appreciating all these facts, had allowed the petition. It is submitted that the defendant cannot be permitted to amend the written statement. When the matter is coming up for the defendants' evidence, and the court, without considering all these aspects, had allowed the application seeking amendment, the same needs to be set aside.

5. Learned counsel appearing for the respondents submits that while allowing the application, the Trial Court has rightly considered the fact that by way of this amendment. The defendant wants to bring to the notice of the Court the earlier



proceedings that have taken place, in which the defendant is not a party; hence, a question of due diligence will not arise. It is submitted that there are no grounds to interfere with the well-considered order passed by the Court and accordingly, the petition may be dismissed.

6. Having heard the learned counsel on either side, perused the material on record, it is evident that, after the amendment to Order VI Rule 17 of the Code of Civil Procedure, amendments sought after the commencement of the trial cannot be allowed unless and until it is pleaded and proved that, in spite of due diligence, these facts could not be brought to the notice of the Court before the commencement of the trial. Coming to the facts of this case, the suit is for declaration and injunction. The defendant, by way of this amendment, is referring to certain judgments passed by the Court between the family members of the petitioner/plaintiff which were prior to the filing of the suit and also one judgment, which is after filing of the suit. The Court has observed that all these proceedings were suppressed by the plaintiff, which has been stated by the defendant. As the defendant is not a party to those proceedings, the question of due diligence will not arise. It is



the case of the defendant that, upon learning of these pending proceedings, he has now come before the Court. The said observation of the Court cannot be interfered with.

7. Then the next submission is that the advocate who is appearing for the defendant is the advocate who has done the due diligence in respect of those sale deeds. That aspect, this Court is not inclined to consider this application. The Trial Court has rightly allowed the petition; there cannot be any straightjacket formula when, where and how the applications for amendment of the written statement have to be dismissed. It all depends upon the facts and circumstances of the case. In the light of the above discussion coupled with the fact that, this is the suit of the year 2022, this Court do not find any reasons to interfere with the order passed by the Court. However, as far as costs are concerned, the Trial Court has imposed costs of Rs.500, this Court is inclined to impose costs of Rs.5,000/-.

8. A letter is addressed by the Principal District and Sessions Judge, Kolar, dated 24.03.2026, wherein it is stated that the Hon'ble Apex Court in SLP No.25175/2023 has directed the court to conclude and dispose of the case within a period of



2 years from 20.11.2023 and they have sought a further extension of 1 year from 20.11.2025 for disposal of the case. It is stated that a Co-ordinate Bench of this Court has granted a stay. Hence, the letter is addressed to this Court, so that in a time-bound manner they can comply with the orders passed by the Hon'ble Apex Court.

9. In the light of the above discussion, this Court is passing the following:

ORDER

- i. This Court does not find any merit in the writ petition. However, as far as the cost of Rs. 500/- is concerned, this Court is fixing the cost at Rs. Rs.5,000/-.
- ii. Accordingly, the writ petition is ***disposed of.***
- iii. Pending IAs, if any, shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**