



CNR: KAHC010119592025

NC: 2026:KHC:45659
WP No. 5796 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO.5796 OF 2025 (GM-CPC)

BETWEEN:

SRI B. SRIRAMA REDDY
S/O. LATE BYRAPPA,
AGED ABOUT 50 YEARS,
R/AT NO.177/B, 22ND CROSS,
3RD BLOCK, JAYANAGAR,
BENGALURU – 560004.

...PETITIONER

(BY SRI. BHAT GANAPATHY NARAYAN, ADVOCATE)

AND:

1. SMT. NEELAMMA
D/O. MR. SRINIVAS,
W/O. MR. GANGADHAR,
AGED ABOUT 44 YEARS,
R/AT. VADDENAHALLI VILLAGE,
DARINAYAKANAPALYA HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA - 561 211.
2. SRI. GOPAL
S/O. MR. SRINIVAS,
AGED ABOUT 39 YEARS,
R/AT BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.
3. SRI. RAVI
S/O. MR. SRINIVAS,
AGED ABOUT 35 YEARS,



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R/AT. BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.

4. SRI. NARAYANASWAMY
S/O. MR. KRISHNAPPA,
AGED ABOUT 40 YEARS,
R/AT BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.
5. SRI. RAGHAVENDRA
S/O. MR. NARAYANASWAMY,
AGED ABOUT 30 YEARS,
R/AT BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.
6. KUMARI KAMALA
D/O. MR. NARAYANASWAMY,
AGED ABOUT 23 YEARS,
R/AT BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.
7. SRI SRINIVAS
S/O. LATE MUNIYAPPA,
AGED ABOUT 62 YEARS,
R/AT BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.
8. SRI. KRISHNAPPA
S/O. LATE MUNIYAPPA,
AGED ABOUT 60 YEARS,
R/AT BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU.
9. SRI. NARAYANASWAMY
S/O. LATE MUNIYAPPA,
AGED ABOUT 58 YEARS,
R/AT BILLAMARANAHALLI VILLAGE,



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JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.

10. SRI. JEORGE
AGED ABOUT 65 YEARS,
PRESIDENT,
PRESIDDHI ASPIRATIONS,
R/AT BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.
11. SRI. RAVINDRA BABU
AGED ABOUT 62 YEARS,
SECRETARY,
PRESIDDHI ASPIRATIONS,
R/AT BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.
12. SRI. MAHADEVA REDDY
AGED ABOUT 50 YEARS,
TREASURER,
PRESIDDHI ASPIRATIONS,
R/AT BILLAMARANAHALLI VILLAGE,
JALA HOBLI, YELAHANKA TALUK,
BENGALURU - 562 157.

...RESPONDENTS

(BY SRI. NANJE GOWDA C., ADVOCATE FOR R-1 TO R-6;
SRI S. RAJ PRABHU, ADVOCATE FOR R-10;
R-7 - R-9 ARE SERVED;
NOTICE TO R-11 & R-12 DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED
ORDER DATED 11.09.2024 PASSED BY THE SENIOR CIVIL JUDGE
AND JMFC AT DEVANAHALLI IN O.S.NO.681/2022 AS PER
ANNEXURE-T, BY ALLOWING THE I.A.NO.IV FILED BY THE
PETITIONER AS PER ANNEXURE-R.



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

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

ORAL ORDER

1. The petitioner who is arrayed as defendant No. 7 in O.S No. 681/2022 on the file of the Senior Civil Judge and JMFC, Devanahalli, [**Trial Court**], has called in question the order dated 11.09.2024 passed on I.A.No. IV, whereby the application filed by the petitioner under Order VI Rule 16 read with Section 151 of the Code of Civil Procedure, 1908 [**CPC**] seeking striking out of the pleadings relating to item No. 2 of the suit schedule property has been rejected. The petitioner consequently seeks a direction to allow I.A No. IV and delete the claim relating to Sy No. 13/2 measuring 12 ½ guntas.

Brief Facts

2. The plaintiffs (respondents 1 to 6) instituted suit O.S No. 681/2022 seeking partition and separate possession in respect of the suit schedule properties. Item No. 2 of the schedule concerns a portion measuring 12 ½ guntas in Sy No.



13/2 situated at Billamaranahalli Village. The case of the petitioner is that Sy No. 13/2 originally formed part of the land measuring 1 acre 6 guntas which had been granted in favour of Sakappa and Erappa under the inam abolition proceedings. A re-grant endorsement was issued on 13.05.1960 and the property was thereafter mutated in his name. The petitioner claims that the property was subsequently conveyed to him under a registered sale deed dated 30.07.1986 and his name has been thereafter entered into the revenue records. Further, the land was converted for non-agricultural residential use in 2004 and subsequent revenue and e-katha entries were also made in his favour.

3. The petitioner contends that notwithstanding his independent title, the plaintiffs included 12 ½ guntas out of the said survey number as item No. 2 in the partition suit. He therefore filed I.A No. IV under Order VI Rule 16 read with 151 CPC seeking deletion/striking out of the pleadings relating to the said property. The trial Court by order dated 11.09.2024 rejected the application.



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4. Learned counsel for the petitioner submits that the plaintiffs had neither pleaded any right, title or interest in respect of the petitioner's property and nor challenged their registered sale deed in his favour. According to the petitioner, the plaintiffs have sought partition only in respect of 12 ½ guntas out of the larger extent of 1 acre 06 guntas and therefore the claim itself was not maintainable as the claim for partial partition. The reliance is also placed upon the earlier suit in O.S No. 1099/2007, which according to the petitioner had been dismissed on 17.12.2019. It is contended that the continuation of the claim against the petitioner was frivolous, vexatious and the Trial Court ought to have exercised its power under Order VI Rule 16 CPC.

5. The Trial Court while considering the application under Order VI Rule 16, noticed that although the petitioner alleged that there was no cause of action against him and that the property was purchased by him under a registered sale deed, the application did not identify any particular paragraph or pleadings in the plaint which was unnecessary, scandalous,



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frivolous or vexatious which was liable to be struck down.

Reasons and conclusions.

6. Order VI Rule 16 CPC reads thus :

“16. Striking out pleadings.—The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading—

(a) which may be unnecessary, scandalous, frivolous or vexatious, or

(b) which may tend to prejudice, embarrass or delay the fair trial of the suit, or

(c) which is otherwise an abuse of the process of the Court.”

7. The above provision empowers the Court, at any stage of the proceedings, to strike out or amend any matter in any pleading which is unnecessary, scandalous, frivolous or vexatious, or which would tend to prejudice, embarrass or delay the fair trial of the suit, or which otherwise amounts to an abuse of the process of the Court. It is, however, a power which is required to be exercised sparingly and with circumspection and only in the rarest of rare cases where continuation of such pleadings would seriously affect the fair adjudication of the proceedings as held in ***SNP Shipping Services Pvt. Ltd. vs***



Kara Mara Shipping Co. Ltd.¹ (SNP Shipping Services Pvt. Ltd.)

8. The petitioner seeks exercise of such powers principally on the ground that he has an independent title over Sy No. 13/2 on the strength of the registered sale deed dated 30.07.1986 and the plaintiffs have no right, title or interest therein. The existence of such a defence, by itself, cannot render the pleadings of the plaintiffs an abuse of the process of the Court. The question whether the plaintiffs have a share in the property, whether the property forms part of the joint family properties and whether the plaintiffs claim is legally sustainable are matters which require adjudication in the suit. The plaintiffs have included 12 ½ guntas in Sy No. 13/2 in the suit schedule and claim a share therein. The petitioner on the other hand asserts an exclusive ownership over a larger extent of 1 acre 06 guntas and relies upon the sale deed dated 30.07.1986. There are competing claims which cannot be conclusively determined while considering an application under Order VI Rule 16 of CPC. The power under Order VI Rule 16 is not intended to

¹ 1999 SCC Online Bom 495



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enable the Court to conduct a mini trial on the disputed question of title at the threshold. Unless the pleadings itself disclose such glaring abuse, i.e., continuation will prejudice or embarrass a pre-trial, the proper course is to permit the parties to establish their respective claims in accordance with law. The Trial Court having noticed that the petitioner had not identified any specific paragraph of the plaint which was sought to be struck out, held that the petitioner essentially seeks deletion of a claim relating to item No. 2 and removal of his name from cause title. Such contention does not satisfy the requirement of Order VI Rule 16 CPC. The Trial Court was therefore justified in rejecting I.A.No. IV. The order impugned does not suffer from any jurisdictional error warranting interference under Articles 226 and 227 of the Constitution. Accordingly, the writ petition stands dismissed.

Sd/-

JUSTICE K.S. HEMALEKHA

CKL
List No.: 1 Sl No.: 16