



CNR: KAHC010144782022

NC: 2026:KHC:43166
W.P. No.6816/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 13TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.6816/2022 (GM-CPC)

BETWEEN:

CHIKKANNA
S/O DODDA THIMMAIAH
AGED ABOUT 85 YEARS
SINCE DECEASED BY HIS LR.

1. BYLAMMA
W/O LATE CHIKKANNA
AGED ABOUT 80 YEARS
R/AT. DODDAGOLLARAHATTI
NAGADEVANAHALLI
BANGALORE SOUTH TALUK
BANGALORE-560056.
2. ERAMMA
W/O LATE MUDDAIAH
AGED ABOUT 75 YEARS
DODDAGOLLARAHATTI
NAGADEVANAHALI
BANGALORE SOUTH TALUK
BANGALORE-560056.
3. KARIYAMMA
W/O LATE THIMMAIAH
AGED ABOUT 50 YEARS
DODDAGOLLARAHATTI
NAGADEVANAHALI
BANGALORE SOUTH TALUK
BANGALORE-560056.

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS



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(BY SRI. K. SEENAPPA, ADV., FOR R3)

AND:

T. THIMMAIAH
S/O POOJARI THIMMAIAH
AGED ABOUT 40 YEARS
DODDAGOLARAHATTI
NAGADEVANAHALLI
BANGALORE SOUTH TALUK
BANGALORE-560056.

...RESPONDENT

(BY SRI. UMA SHANKAR M.N. ADV., FOR C/RESPT.)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER PASSED BY VII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE BANGALORE (CCH-19) ON I.A.NO.11 DTD 11.03.2022 IN O.S. 6452/2013 MARKED AS ANNEXURE-E AND TO ALLOW THE APPLICATION & ETC.

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

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

ORAL ORDER

This petition is filed challenging the order dated 11.03.2022 passed on IA.No.11 in OS.No.6452/2013 by the VII Additional City Civil and Sessions Judge, Bengaluru, (CCH-19), (for short 'the trial Court').



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2. Heard Sri.K.Seenappa, learned counsel appearing for the petitioner No.3, Sri.Uma Shankar M.N., learned counsel for the respondent and meticulously perused the material available on record.

3. The petitioners filed a suit against the respondent seeking the relief of a decree of perpetual injunction restraining the defendant from interfering with their peaceful possession and enjoyment of the suit schedule property. The suit schedule property is site bearing No.19, BBMP No.439/427/19, measuring East to West 30 feet, North to South 40 feet, situated at Doddagollarahatti, Nagadevanahally, Bengaluru with the boundaries described in the plaint. The defendant filed a written statement and was fully cross-examined. At that stage, the plaintiffs filed an application in IA.No.XI under Order VI to 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking amendment of the boundaries of the plaint schedule. The defendant



opposed the said application. The trial Court, under the impugned order dismissed the application.

4. The contention of the learned counsel for the petitioners is that there is no change sought to be made in the boundaries of the suit schedule property in the plaint, but only certain particulars are sought to be incorporated, stating that the persons who purchased the property and executed a confirmation deed with regard to the *chekbandis* towards the Eastern and Southern side. It is submitted that the said correction is required for complete adjudication of the dispute and that no prejudice would be caused to the other side if the amendment is allowed.

5. It is to be noticed that the application filed for amendment is accompanied by an affidavit. The affidavit indicates that plaintiff No.1 was aged about 85 years and plaintiff No.2 was aged about 75 years and that on the date of filing of the suit, while giving instructions to their lawyer, the plaintiffs forgot to tell that they had sold the



Eastern portion of the suit schedule property to Sri.Prakash and Sri.Nataraj on 27.09.2012. Thus, there was a mistake in mentioning the Eastern boundary as the remaining portion of the property bearing No.19. It further indicates that, similarly, the Southern side of the suit property is the part of Khatha No.19, as Dr. Keshava requested the plaintiffs not to file a case against him and assured that he was prepared to vacate the property in case if the case is decided in their favour. It also indicates that, after the judgment and decree in favour of the plaintiffs was confirmed by the High Court, the plaintiffs executed a confirmation deed on 23.09.2013 in favour of Dr. Keshava.

6. A perusal of the affidavit accompanying the application makes it clear that the reasons shown cannot be accepted as the petitioners/plaintiffs were very well aware about the sale by them in the year 2012 in favour of Sri.Prakash and Sri.Nataraj and the execution of the



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confirmation deed in favour of Dr.Keshava. Therefore, filing an application belatedly, that too after cross-examination of DW1 and without any due diligence cannot be entertained.

7. The trial Court also recorded the reason that, filing an application after fully cross-examining PW1 is nothing but filling up the lacunas in the evidence and no sufficient grounds are made out to allow the application. The trial Court, considering the aforesaid aspects, has rightly dismissed the application. I do not find any good ground to interfere with the order of the trial Court. Accordingly, the writ petition is devoid of merits and the same is ***rejected***.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 23