



CNR: KAHC010155522022

NC: 2026:KHC:39562
W.P. No.7165/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.7165/2022 (GM-CPC)

BETWEEN:

SRI. HANUMANTHARAYA
S/O ALLAPURADAPPA
AGED ABOUT 58 YEARS
AGRICULTURIST
R/O. VIDAPANAKUNTE VILLAGE
CHALLAKERE TALUK-577522
CHITRADURGA DISTRICT.

...PETITIONER

(BY SRI. SIDDAPPA B.M. ADV.,)

AND:

SRI. KUMAR
S/O NAGGENAHALLY HANUMANTHAPPA
AGED ABOUT 41 YEARS
AGRICULTURIST
R/O VIDAPANAKUNTE VILLAGE
MEERASABIHALLI (POST)
KASABA HOBLI
CHALLAKERE TALUK-577522
CHITRADURGA DISTRICT.

...RESPONDENT

(BY SRI. ASHOK N. PATIL, ADV.,)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE ORDER PASSED BY THE LEARNED ADDL. CIVIL JUDGE AND JMFC, CHALLAKERE ON IA NO.6 IN OS.NO.222/2016 DATED 11.03.2022 PRODUCED AS ANNEXURE-F TO THE WRIT PETITION & ETC.

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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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 MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 11.03.2022 passed on I.A.No.6 in O.S.No.222/2016 on the file of the Additional Civil Judge and JMFC, Challakere, (for short, '***the trial Court***').

2. Heard Sri.B.M.Siddappa, learned counsel for the petitioner, Sri.Ashok N.Patil, learned counsel for the respondent and perused the material available on record.

3. The petitioner had filed the suit in O.S.No.222/2016 for the relief of declaration that the petitioner-plaintiff is the absolute owner and peaceful possession in enjoyment of the suit schedule property and for permanent injunction. The suit schedule property is shown as the house with foundation and vacant site bearing Khata No.90 measuring east-west 40 feet and



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north-south 80 feet situated at Vidapanakunte Village Challakere Taluk with the *chakubandis*. In the said suit, the respondent-defendant filed a detailed written statement. The trial Court framed the issues. The parties adduced the evidence. At that stage, the petitioner-plaintiff filed an application under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short, '**the CPC**') seeking to amend the plaint.

4. The perusal of the proposed amendment indicates that the petitioner-plaintiff is seeking to insert one paragraph at page No.2 of the plaint after para No.3 that the vacant space towards the southern side of the house of the plaintiff, the plaintiff being in peaceful possession and enjoyment of the suit schedule property the plaintiff constructed kadapa slab house measuring east-west 55 feet and north-south 53 feet. It is required to be noticed that the petitioner-plaintiff in para No.3 of the plaint has stated that he has constructed kadappa slab



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house measuring 15x27 feet and contrary to the said assertion, now amendment is sought. The affidavit accompanying the application does not indicate any due diligence as to why such factual aspect was not brought on record before the commencement of the trial. It is also required to be noticed that during the pendency of this petition, now the matter is posted for final arguments.

5. The trial Court considering the delay in filing the application, rejected the application. I do not find any good grounds to interfere with the impugned order of the trial Court in the present petition. Hence, the writ petition is devoid of merits and the same is accordingly ***rejected***.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE