



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 7494 OF 2026 (GM-CPC)

BETWEEN:

SRI D SOUNDER RAJAN
S/O LATE V.DINAKARAN
@ JAMES DINAKARAN
AGED 56 YEARS
R/O. NO.19, 2ND CROSS
K.P.AGRAHARA, MAGADI ROAD
BENGALURU-560 023
PRESENTLY R/AT NO.45, 9TH 'B' CROSS
MOODALPALYA, BAIRAVESHWARA NAGAR
BENGALURU-560072.

...PETITIONER

(BY SRI. SUBRAHMANYA P D., ADVOCATE)

AND:

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA

1. SMT B MANGALA GOWRI
AGED ABOUT 39 YEARS
NO.79, FIRST FLOOR, 5TH MAIN
BINNY LAYOUT, ATTIGUPPE II STAGE
NEAR CHANDRA LAY-OUT WATER TANK
VIJAYANAGAR, BENGALURU-560 040.
2. SMT D JOICE MOLLY
D/O LATE V DINAKARAN
@ JAMES DINAKARAN
W/O. DINESH KUMAR
AGED 40 YEARS
R/O. GHOSHA HOSPITAL QUARTERS
NEAR INDIAN EXPRESS
BENGALURU-560 001.



3. SMT D THANUJA RANI
D/O V DINAKARAN @
JAMES DINAKARAN
W/O SHIVALINGAM
AGED 38 YEARS
R/O. NO.13/31, 2ND CROSS
12TH MAIN ROAD, MAGADI ROAD
BENGALURU-560 023.

...RESPONDENTS

(BY SRI. BASAVANNA K M., ADVOCATE FOR C/R1: NOTICE TO R2 AND R3 DISPENSED WITH VIDE COURT ORDER DATED 05.03.2026)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER OR DIRECTION SETTING ASIDE THE ORDER MADE ON IA NO. XX IN OS NO. 8427/2016 DATED 28.02.2026 UNDER ORDER VI RULE 17 R/W SECTION 151 OF CPC PASSED BY THE XXV ADDL. CITY CIVIL AND SESSIONS JUDGE BENGALURU (ANNEXURE-E) BEING ARBITRARY, ERRONEOUS AND NOT SUSTAINABLE IN LAW AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed by Plaintiff No.2 under Article 227 of the Constitution of India, challenging the order dated 28.02.2026 passed on IA No.XX filed under Order VI Rule 17 of the Civil Procedure Code in O.S. No.8427/2016, whereby the amendment of the prayer sought by the plaintiffs has been rejected.



2. The plaintiffs have filed a suit for declaration, possession and injunction only in respect of the first floor. Thereafter, the plaintiffs filed an application under Order VI Rule 17 of the CPC seeking amendment of the prayer. Instead of the 'first floor', they sought amendment to change it as the 'ground floor'. The said application was allowed on 10.10.2022.

3. Thereafter, the present application was filed seeking amendment of the prayer to the effect of seeking possession in respect of the entire suit schedule property on the ground that earlier, inadvertently, instead of seeking possession of the entire suit schedule property, it had been restricted only to the ground floor.

4. The learned counsel appearing for the respondent/defendant submits that the petitioner's claim is based on the Will dated 12.08.2016. Earlier, they had filed an application to amend the prayer by restricting possession only in respect of the ground floor. Now, again, another



application has been filed seeking possession in respect of the entire suit schedule property, by which the plaintiffs are changing the nature of the prayer. Therefore, the trial Court has rightly rejected the application.

5. I have perused the impugned order. The trial Court has rejected the application on the ground that the claim is made on the basis of the Will dated 12.08.2016. In fact, the prayer seeks a declaration on the basis that the plaintiffs are the absolute owners as the legal representatives of late Mr.V.Dinakaran. The relevant paragraph of the prayer is extracted below:

"(i) Declare that the plaintiffs are the absolute owners of suit schedule property as the only legal heirs of Late V.Dinakaran @ James Dinakaran.

(ii) Consequently, direct the defendant to vacate and handover the vacant possession of the ground floor premises of the suit schedule property to the plaintiffs.

(iii) Consequently, grant an order of permanent injunction against the defendant, her



agents and servants not to interfere with the plaintiffs' peaceful possession and enjoyment of the suit schedule premises."

6. Permitting the amendment seeking possession of the entire suit schedule property will not cause any prejudice to the respondent/defendant. It is also nowhere contended that the same is barred by law. Therefore, the application deserves to be allowed.

7. Accordingly, the following order:

(i) The writ petition is allowed.

(ii) The order dated 28.02.2026 passed by the XXV Additional City Civil and Sessions Judge on IA No.XX filed under Order VI Rule 17 of CPC in O.S. No.8427/2016 is quashed.

(iii) IA No.XX filed by the plaintiffs under Order VI Rule 17 of CPC is hereby allowed.



(iv) It is made clear that the defendant is permitted to file an additional written statement, if required, within a reasonable period of time.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
LIST NO.: 1 SL NO.: 85