



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 12902 OF 2025 (GM-CPC)

BETWEEN:

1. SMT SUVARNMAMMA H S
DAUGHTER OF LATE SIDDAVEERAAIAH,
WIFE OF SIDDAPPA,
AGED ABOUT 61 YEARS, RESIDING AT HENNAGERE
VILLAGE, SOLUR HOBLI, MAGADI TALUK,
RAMANAGARA DISTRICT,
PIN CODE- 562 127
PRESENTLY RESIDING AT CHANNAPPA BHADAVANE,
6TH CROSS,
NELAMANGALA-562 123

...PETITIONER

(BY SRI P M GOPI, ADVOCATE FOR SRI SIDDAMALLAPPA P M.,
ADVOCATE)

AND:

1. SRI M SHIVARUDRAIAH
SON OF LATE MARALU SIDDAIAH,
AGED ABOUT 83 YEARS,
RESIDING AT SHIVAYOGI KRUPA,
DODDABOMASANDRA POST,
VIDHYARANYAPURA,
BANGALORE-560 095
2. SRI.S.S.NAGARAJ,
SON OF D.SHAMARAO,
AGED ABOUT 75 YEARS,

Digitally signed
by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



RESIDING AT NO.204/C,
6TH MAIN, 27 TH CROSS,
3RD BLOCK, JAYANAGARA,
BANGALORE-560 011

...RESPONDENTS

(BY SRI. SUNDARESH H C.,ADVOCATE FOR R1: SRI KASHYAP
N.NAIK, ADVOCATE FOR R2)

THIS WP IS FILED PRAYING TO A) ISSUE A WRIT OF
CERTIORARI SETTING ASIDE THE IMPUGNED ORDER DATED
31.01.2025, PASSED ON I.A.NO.XIV FILED BY THE PLAINTIFFS
IN O.S.NO.252/2013 AS PER ANNEXURE-G BY THE LEARNED
1ST ADDITIONAL SENIOR CIVIL JUDGE, NELAMANGALA, AS
PER ANNEXURE-G AND THEREBY ORDER TO ALLOW THE
APPLICATION I.A.NO.XIV FILED UNDER ORDER-VI, RULE-17
READ WITH SECTION-151 OF CIVIL PROCEDURE CODE BY
ALLOWING THE WRIT PETITION WITH EXEMPLARY COST.

THIS PETITION, COMING ON HEARING ON IAs., 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.3 under
Article 227 of the Constitution of India, challenging the
order dated 31.01.2025 passed on I.A. No. 14 in O.S. No.
252/2013 by the Additional Senior Civil Judge and JMFC,
Nelamangala (for short, the 'trial court'), whereby the
application filed by the plaintiffs under Order VI Rule 17
read with Section 151 of the Code of Civil Procedure (for



short, 'CPC') seeking permission to carry out an amendment has been rejected.

2. For the sake of convenience, the parties are referred to as per their ranking before the trial court.

3. The plaintiffs filed a suit in O.S.No.252/2013 seeking a declaration that the sale deed executed in favour of the defendants is null and void. Upon service of summons, the defendants appeared through counsel and filed their written statement. Based on the pleadings, the trial court framed the issues, and the matter was set down for evidence. At the stage of cross-examination of the defendant, the plaintiffs filed an application for amendment, which came to be rejected.

4. Learned counsel appearing for the petitioner/ plaintiff No. 3 contended that the plaintiffs had filed the suit seeking a declaration that the sale deed executed in favour of the defendants by their father is null and void on the ground that it was obtained by fraud. He further



submitted that during cross-examination, the defendants admitted that the suit schedule property is joint family property. Therefore, the plaintiffs filed an application seeking amendment of the plaint to include a prayer for partition and separate possession. In support of his contention, he relied on the order passed by this Court in W.P.No.108512/2025, disposed of on 16.12.2025, and argued that even if there is delay in filing an amendment application, it can be considered as an issue, and if there is a foundational pleading in the plaint, the amendment can be allowed.

5. Per contra, learned counsel appearing for the respondents/defendants contended that the suit was originally filed for declaration on the premise that the property was self-acquired, and the plaintiffs are now seeking amendment to claim partition. He submitted that there is no pleading that the property is joint family property, and by way of amendment, the plaintiffs are attempting to change the nature of the suit and introduce



a new cause of action. Therefore, the trial court was justified in dismissing the application.

6. Heard the learned counsel for the parties and perused the writ petition papers.

7. It is not in dispute that the plaintiffs filed the suit seeking a declaration that the sale deed executed in favour of the defendants by their father is fraudulent and not executed by him. They have specifically pleaded that the suit schedule property is the self-acquired property of one Siddaveeraiah.

8. When the matter was posted for cross-examination of the defendant, the plaintiffs filed the present application seeking amendment to include an additional prayer for partition. It is clear from the pleadings that the suit schedule property is described as the self-acquired property of Siddaveeraiah. Nowhere in the plaint is it pleaded that the property is joint family property available for partition. The proposed amendment



seeks to convert the suit into one for partition, which is inconsistent with the original case set up by the plaintiffs. The relief of partition introduces a completely new cause of action that was never pleaded in the original plaint. Allowing such an amendment at this stage would cause serious prejudice to the defendants.

9. Therefore, the trial court was justified in dismissing the application. There is no error in the order passed by the trial court warranting interference by this Court under Article 227 of the Constitution of India.

Accordingly, the writ petition is dismissed.

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

CM
List No.: 1 Sl No.: 76