



CNR: KAHC010268732023

NC: 2026:KHC:47918
W.P. No.11485/2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.11485/2023 (GM-CPC)

BETWEEN:

1. MRS. GEETHA
W/O LATE KRISHNEGOWADA
AGED ABOUT 45 YEARS
R/AT THIGALANAHALLI VILLAGE
BELLURU HOBLI
NAGAMANGALA TALUK-571418.

...PETITIONER

(BY SRI. BHARGAVA D. BHAT, ADV.,)

AND:

1. MRS. LAXMAMMA
W/O LATE SHIVARAMEGOWDA
D/O RANGEGOWDA
AGED ABOUT 55 YEARS
R/AT THIGALANAHALLI VILLAGE
BELLURU HOBLI
NAGAMANGALA TALUK-571418.
2. MRS. NANJAMMA @ GIRIJA
W/O LAXMANA
AGED ABOUT 51 YEARS
R/AT M. KODIHALLI VILLAGE
BELLURU HOBLI
NAGAMANGALA TALUK-571418.
3. MR. KEERTHY
S/O LATE KRISHNE GOWDA
AGED ABOUT 26 YEARS

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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W.P. No.11485/2023

THIGALANAHALLI VILLAGE
BELLURU HOBLI
NAGAMANGALA TALUK-571418.

4. MISS. ASHA
D/O LATE KRISHNE GOWDA
AGED ABOUT 25 YEARS
THIGALANAHALLI VILLAGE
BELLURU HOBLI
NAGAMANGALA TALUK-571418.

5. MRS. NAGAMMA
W/O BYEGOWDA
D/O RANGE GOWDA
AGED ABOUT 51 YEARS
R/AT GOPALAPURA VILLAGE
NONAVINKERE HOBLI
TIPTURU TALUK
TUMAKURU DISTRICT-572224.

...RESPONDENTS

(BY SRI. SATHISHA D.J. ADV., FOR R1
V/O/DTD:06.06.2023 NOTICE TO R3 TO R5 ARE D/W)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 03.02.2023 IN O.S. NO.141/2018 PASSED BY THE HON'BLE ADDITIONAL CITY CIVIL JUDGE AND J.M.F.C AT NAGAMANGALA DISMISSING I.A. NO.4 (AS PER ANNEXURE-A). CONSEQUENTIALLY ALLOW IA NO. 4 FILED BY THE PETITIONER IN O.S. NO.141/2018 ON THE FILE OF HON'BLE ADDITIONAL CIVIL JUDGE AND JMFC AT NAGAMANGALA (AS PER ANNEXURE-B & 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



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ORAL ORDER

This petition is filed challenging the order dated 03.02.2023 passed on IA.No.4 in OS.No.141/2018 by the Additional Civil Judge and JMFC, Nagamangala (for short 'the trial Court').

2. Sri.Bhargava D. Bhat, learned counsel appearing for the petitioner submits that respondent Nos.1 and 2 filed a suit for partition and separate possession. In the said suit, defendant No.1 filed a detailed written statement, specifically contending that the suit was liable to be rejected for non-joinder of necessary parties. Immediately, after the commencement of trial, defendant No.1 filed an application seeking amendment of the written statement by introducing additional paragraph No.7(a) to the written statement. It is submitted that in the proposed amendment, defendant No.1 intends to state that the suit is liable to be rejected for non-joinder of necessary parties, as the siblings of Sri.Range Gowda and



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W.P. No.11485/2023

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their legal representatives have not been arrayed as parties to the suit. However, the trial Court rejected the same only on the ground of delay. In support of his contentions, he placed reliance on the decision of the Supreme Court in the case of ***Chander Kanta Bansal v. Rajinder Singh Anand***¹.

3. Sri.Sathisha D.J., learned counsel for respondent No.1 supports that order of the trial Court and seeks to dismiss the petition.

4. Respondent Nos.1 and 2 filed a suit in OS.No.141/2018 seeking the relief of partition and separate possession of the suit schedule property and for mesne profits. The petitioner herein is defendant No.1 in the suit and has filed a detailed written statement denying the assertions made in the plaint. In paragraph No.7 of the written statement, defendant No.1 has specifically pleaded that suit is liable to be rejected as other co-parceners of

¹ (2008) 4 SCR 748



NC: 2026:KHC:47918
W.P. No.11485/2023

the family were not joined in the suit, namely Sri.Gangadhara @ Sri.Balagagadhara, who is one of the siblings of the plaintiffs. The plaintiffs adduced evidence and the matter was posed for defendants' evidence. At that stage, defendant No.1 filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking amendment of the written statement by incorporating paragraph No.7(a). The trial Court, under the impugned order rejected the said application.

5. The affidavit accompanying the said application indicates the reason that, at the time of filing of the written statement, defendant No.1 did not incorporate the proposed paragraph due to unavailability of some documents and information, and now she has got the information regarding the pedigree of the plaintiffs family and came to know that the grandfather of the plaintiffs had three children, who died long back, and that their LRs had not been arrayed as parties to the suit. The said



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W.P. No.11485/2023

explanation cannot be termed as due diligence. It is only ignorance and negligence of the defendant.

6. It is to be noticed that defendant No.1 is the daughter-in-law of the family. She cannot contend that she got the documents later and thereafter she came to know about the pedigree of the plaintiffs. Admittedly, the amendment sought is at the stage of defendants' evidence and the same is without due diligence. Hence, the trial Court has fully justified in rejecting the application. I do not find any error or perversity in the interim order calling for interference. Accordingly, the writ petition is devoid of merits and the same is ***rejected***.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 30