



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 13426 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. M.B.VENUGOPAL,
AGED ABOUT 74 YEARS,
S/O M.V.BETTAIAH,
RESIDING AT NO.18,
"ANU NILAYA", 1ST CROSS,
1ST MAIN, HAVANUR EXTENSION,
HESARAGHATTA ROAD,
BANGALORE - 560 074.
2. SRI. M.B. NAGARAJU,
AGED 72 YEARS,
S/O M.V.BETTAIAH,
MVB HOUSE, NO.588,
14TH MAIN, MEI LAYOUT,
BAGALAGUNTE, HESARAGHATTA ROAD,
BANGALORE - 560 073.
3. SMT. M.B. SAROJAMMA,
D/O LATE M.V. BETTAIAH,
WIFE OF BYRAPPA,
AGED ABOUT 60 YEARS,
NO.42, SAPTHAGIRI NILAYA,
5TH MAIN, MEI LAYOUT,
BENGALURU - 560 073.



4. SMT. M.B. SOWBHAGYA,
D/O LATE M.V. BETTAIAH,
WIFE OF RAMAIAH,
AGED ABOUT 53 YEARS,
RESIDING AT NO.142/1,
OPP. BHAGYAVATHI SAW MILL,
ACHARYA COLLEGE ROAD,
GANAPATHINAGAR,
CHIKKABANAWARA,
BENGALURU - 560 090.
5. SMT.T.C.ANURADHA,
AGED ABOUT 65 YEARS,
W/O SRI. M.B. VENUGOPAL,
R/AT NO.18, 'ANU NILAYA,
1ST CROSS, 1ST MAIN,
HAVANUR EXTENSION,
HESARAGHATTA ROAD,
BANGALORE - 560 074.
6. SMT.K.AMBUJA,
AGED ABOUT 62 YEARS,
W/O SRI. M.B. NAGARAJU,
MVB HOUSE, NO.58,
14TH MAIN, MEI LAYOUT,
BAGALAGUNTE,
HESARAGHATTA ROAD,
BANGALORE - 560 073.

...PETITIONERS

(BY SRI. VINAYAK G GOWDA, ADVOCATE)

AND:

SMT. M.B.RATHNAMMA,
D/O LATE M.V. BETTIAH,



WIFE OF H. HONNAIAH,
AGED ABOUT 57 YEARS,
RESIDING AT NO.42, 43,
RAGHAVENDRA LAYOUT,
2ND MAIN, 6TH CROSS,
CHIKKABANAWARA,
BENGALURU - 560 090.

...RESPONDENT

(BY SRI. CHANDRAHASA G., ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) DIRECT, QUASHING THE ORDER DATED 28-08-2025 PASSED ON I.A. NO.9 IN O.S. NO.560/2017 BY THE LEARNED II ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT AT NELAMANGALA, AS PER ANNEXURE - A AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the orders dated 28.08.2025 passed in O.S.No.560/2017 in I.A.Nos. VII and IX by the II Additional Senior Civil Judge and JMFC, Nelamagala, defendant Nos. 1 and 2 are before this Court.

2. Respondent No.1, who is the plaintiff in the suit, has filed a suit for partition, i.e., O.S.No.560/2017. Now, the present I.A. was filed to include certain properties as



suit schedule properties and to amend the pleadings. It is the case of the plaintiff that she has come to know that these properties, i.e., Item Nos.41 to 59, were purchased by defendant Nos.1 to 4 and proposed defendant Nos.5 and 6 from the joint family income, in which the plaintiff has a legitimate share. The Court has allowed the said I.A. Aggrieved by that, the defendants are before this Court.

3. While allowing the applications, the Court has observed that it is well settled law that, while considering an application for amendment of the plaint, the Court should not go into the correctness or falsity of the allegations made in the amendment. The merits of the contentions raised by either party are to be adjudicated only at the stage of trial. At this stage, the Court is only to see whether the amendment is necessary for determining the real question in controversy between the parties. Whether the proposed properties sought to be included are joint family properties or self-acquired/absolute properties of the defendants or female members under Section 14 of



the Succession Act is a pure question of fact which can be decided only upon evidence during the trial. Merely because the defendants dispute the character of certain items of property, the plaintiff cannot be precluded from including them in the schedule. If excluded now, it may lead to multiplicity of litigation, which has to be avoided. Accordingly, the Court has allowed both the applications.

4. Learned counsel appearing for the defendants submits that the properties are the defendants' self-acquired properties and that, in fact, the defendants have sold the properties, as reflected in the sale deeds executed, which are placed before the Court by way of their objections. The Application is filed only to harass the defendants and would cause considerable prejudice to the defendants, as the purchasers will be pointing at the defendants. It is submitted that the Court ought not to have allowed this Application by including the defendants' self-acquired properties as part of the suit schedule properties, and the impugned order needs to be set aside.



5. Having heard the learned counsel on either side and perused the material on record, the Court finds that the applications are filed under Order VII Rule 7 to amend the plaint and to include certain properties as the suit schedule properties. According to the plaintiff, he came to know that these properties were sold or purchased with income derived from the joint family properties, and as such, he has a share in them. The defendant contends that they are self-acquired property. If that is so, it can only be decided by the Court during the course of the trial. As rightly observed by the Court, at the stage of considering an application under Order VII Rule 7, the Court cannot go into the merits of the matter and decide the rights of the parties. The Court has to look only at whether the amendment is necessary in the facts and circumstances, and if the amendment is not allowed, what prejudice is caused to the parties. These aspects were rightly considered by the Court, and the applications were rightly



allowed. This Court finds no reason to interfere with the same. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All pending I.As if any, in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

GH
List No.: 1 Sl No.: 8