



CNR: KAHC010285552021

NC: 2026:KHC:50918  
WP No. 14542 of 2021

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO. 14542 OF 2021 (GM-CPC)**

**BETWEEN:**

1. FIELD SERVICE AND INTER  
CULTURAL LEARNING INDIA TRUST,  
A PUBLIC CHARITABLE TRUST,  
HAVING ITS REGISTERED OFFICE  
AT NO.453, 15TH CROSS, LAKASANDRA,  
WILSON GARDEN, BANGALORE - 560 030  
REPRESENTED BY ITS TRUSTEES.
2. SRI. RAKESH S. SOANS  
S/O PRAKASH T. SOANS  
AGED ABOUT 48 YEARS,  
RESIDING AT A-10-18-01  
ELITA PROMOEDADE  
101, 18TH MAIN,  
BEERESHWARA NAGAR MAIN ROAD  
7TH PHASE, J.P. NAGAR  
BANGALORE - 560 078  
TRUSTEE OF FIELD SERVICE AND  
INTER CULTURAL LEARNING INDIA TRUST.
3. DR. SANJAY DEODHAR  
S/O JOHN G. DEODHAR  
AGED ABOUT 48 YEARS,  
NO.A 102, MEENAKSHI MAIN 10TH D MAIN  
1ST BLOCK, JAYANAGAR  
BANGALORE - 560 011,

Digitally signed  
by  
ANNA PURNA G  
Location: High  
Court of  
Karnataka



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TRUSTEE OF FIELD SERVICE AND INTER  
CULTURAL LEARNING INDIA TRUST.

...PETITIONERS

(BY SRI. K.S. HARISH, ADVOCATE)

**AND:**

1. MRS. JACQUILINE PINTO  
W/O MR. DIONYSIUS MOHAN PINTO  
AGED ABOUT 58 YEARS,  
RESIDING AT NO.14/3  
NEAR REST HOUSE PARK,  
CBD BANGALORE NORTH  
BANGALORE - 560 001.
2. SRI. RAGAVENDRA GOWDA  
S/O M. THIMMEGOWDA  
AGED ABOUT 40 YEARS,  
RESIDING AT NO.65  
VANIWILAS ROAD  
BASAVANAGUDI  
BENGALURU - 560 004.

...RESPONDENTS

(BY MS. SHRISTI WIDGE, ADVOCATE FOR  
SRI. MANU PRABHAKAR KULKARNI, ADVOCATE FOR R1)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 F  
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER  
DTD.4.8.2021 PASSED BY THE XV ADDITIONAL CITY CIVIL  
AND SESSIONS JUDGE AT BENGALURU )CCH-3) ON IA NO.3 IN  
O.S.NO.4767/2020 ANNEXURE-A AND CONSEQUENTLY ALLOW  
THE IA NO.3 AS PRAYED AND ETC.,



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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**ORAL ORDER**

Captioned writ petition is filed by defendant No.3, assailing the order passed by the learned Judge on I.A.No.3 filed under Order VI Rule 17 of the Code of Civil Procedure, 1908, whereby the application seeking amendment of the written statement has been rejected.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for respondent No.1/plaintiff. Perused the pleadings in the plaint, the written statement filed by the petitioners/defendants and the proposed amendment.

3. As rightly pointed out by the learned counsel appearing for defendant No.3, respondent No.1/plaintiff has instituted the suit seeking a declaration that she is the trustee of defendant No.1-Trust, purportedly in terms of the minutes of the meetings/resolutions dated 30.08.2019 and 05.10.2019 and the letter of appointment dated 05.10.2019.



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4. On receipt of summons, the present petitioners entered appearance and filed their written statement, stoutly denying the material averments made in the plaint. The substance of their defence, as pleaded in paragraph No.3 of the written statement, is that the plaintiff was merely selected as one among the shortlisted candidates for appointment as a trustee at the meeting of the Trust held on 30.08.2019. By way of the proposed amendment, the petitioners seek to elaborate and supplement the said defence by referring to the Trustee Deed dated 27.11.2010 and contending that induction of new trustees could take place only in an Annual General Meeting. Consequently, the petitioners seek to plead that the meetings dated 30.08.2019 and 05.10.2019, upon which the plaintiff places reliance, cannot be treated or characterized as Annual General Meetings competent to induct a new trustee.

5. The learned Judge, however, has rejected the application on the premise that, by seeking the proposed amendment, the defendants intend to withdraw admissions contained in the original written statement and that permitting such amendment would take away a valuable right accrued to



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the plaintiff on account of the alleged admissions, thereby causing serious prejudice to her.

6. This Court, during the course of hearing, specifically called upon the learned counsel appearing for the plaintiff to demonstrate the nature of the admission which, according to the plaintiff, would stand withdrawn by permitting the proposed amendment. Though the learned counsel made every endeavour to sustain the order under challenge by contending that the proposed amendment seeks to withdraw or dilute the earlier stand taken by the defendants, a meticulous examination of paragraph No.3 of the written statement, juxtaposed with the averments sought to be incorporated by way of amendment, does not substantiate the said contention. The proposed amendment, in substance, only elaborates the existing defence and introduces an additional factual foundation in support thereof. It does not seek to withdraw any categorical or crucial admission so as to deprive the plaintiff of a valuable right or cause such prejudice as would warrant rejection of the application.



7. In this backdrop, the Court cannot lose sight of the well-settled principles governing amendment of written statements. The parameters governing amendment of a plaint cannot be applied with the same rigour to an application seeking amendment of a written statement. A defendant is entitled to take an alternative, inconsistent or even conflicting defence, provided such amendment does not result in withdrawal of an unequivocal admission of a material fact which has conferred a substantive right upon the plaintiff. The object of permitting amendment is to enable the Court to effectively adjudicate the real controversy between the parties and, ordinarily, amendments which merely elaborate or supplement the defence ought to be liberally considered.

8. In the present case, the proposed amendment was sought even before settlement of issues. The amendment neither alters the nature of the defence nor introduces a plea which would cause irremediable prejudice to the plaintiff. The proposed pleadings, on the contrary, seek to place before the Court the relevant terms of the Trustee Deed dated 27.11.2010 and the consequential defence as to the competence and



character of the meetings relied upon by the plaintiff. The plaintiff would have full opportunity to meet the amended defence. Therefore, the reasoning assigned by the learned Judge for rejecting I.A.No.3 cannot be sustained.

9. For the foregoing reasons, the impugned order warrants interference. Accordingly, this Court proceeds to pass the following:

### **ORDER**

- i. The writ petition is ***allowed***.
- ii. The order dated 04.08.2021 passed by the XV Additional City Civil and Sessions Judge, Bengaluru (CCH-3), on I.A.No.3 in O.S.No.4767/2020, vide Annexure-A, is hereby quashed.
- iii. Consequently, I.A.No.3 filed by the petitioners/defendants under Order VI Rule 17 of the Code of Civil Procedure, 1908, is allowed. The petitioners/defendants are permitted to incorporate the proposed amendment in the written statement.
- iv. Respondent No.1/plaintiff is at liberty to file her rejoinder/additional pleading, if so advised, in response to the amended written statement.



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v. All contentions of the parties on the merits of the controversy are left open.

**Sd/-  
(SACHIN SHANKAR MAGADUM)  
JUDGE**

HDK  
List No.: 1 Sl No.: 23