



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 15729 OF 2026 (GM-CPC)

BETWEEN:

SMT. LAKSHMAMMA
W/O LATE K. GOVINDAIAH,
AGED ABOUT 61 YEARS,
RESIDING AT NO.2E,
BANGALORE DAIRY QUARTERS,
DRC POST,
BENGALURU - 560 029.

...PETITIONER

(BY SRI. SRIHARI A.V., ADVOCATE)

AND:

1. SMT. KANTHAMMA
W/O LATE K. GOVINDAIAH,
AGED ABOUT 73 YEARS,
RESIDING AT NO.53,
1ST MAIN, 6TH CROSS,
VIDHANASOUDHA LAYOUT,
BENGALURU - 560 064.
2. SMT. SHASHIKALA
W/O R. BASAVARAJU,
D/O LATE K. GOVINDAIAH,
AGED ABOUT 47 YEARS,
RESIDING AT PARASANNAPALYA VILLAGE,



SHANAMANGALA POST,
BIDADI HOBLI -562 109. RAMANAGARA DISTRICT.

3. SMT. PUSHPAVATHI
3. W/O CHANDRAHASA,
D/O LATE K. GOVINDAIAH,
AGED ABOUT YEARS,
RESIDING AT NO.53,
1ST MAIN, 6TH CROSS,
VIDHANASOUDHA LAYOUT,
BENGALURU - 560 064.
4. SRI. K. GOPAL
S/O LATE KENCHAPPA @
KENCHAHANUMAIAH,
AGED ABOUT 66 YEARS,
RESIDING AT KODIYALA
KARENAHALLY VILLAGE,
BIDADI HOBLI - 562 109.
RAMANAGARA DISTRICT.
5. SMT. KAMALAMMA
W/O K. GOPAL,
AGED ABOUT 60 YEARS,
6. SRI NARAYANA
S/O K. GOPAL
AGED ABOUT 42 YEARS,
7. SMT. PUTTAMMA
D/O K. GOPAL,
AGED ABOUT 39 YEARS,
8. SRI. VASANTHA
S/O K. GOPAL,
AGED ABOUT 37 YEARS,



9. SRI. K. DANAKARNA
S/O LATE KENCHAPPA
@ KENCHAHANUMAIAH,
AGED ABOUT 64 YEARS,

10. SMT. HEMAVATHI
W/O K. DANAKARNA,
AGED ABOUT 59 YEARS,

11. KUM. CHAITHRA
D/O K. DANAKARNA,
AGED ABOUT 35 YEARS,

12. MSTR. CHANDAN
S/O K. DANAKARNA,
AGED ABOUT 29 YEARS,

RESPONDENTS NO.4 TO 12
ARE RESIDING AT KODIYALA
KARENAHALLY VILLAGE
BIDADI HOBLI - 562 109
RAMANAGARA DISTRICT

13. SMT. PRAGADA MYDULA
W/O PRAGADA PRAVEENKUMAR,
AGED ABOUT 54 YEARS,
RESIDING AT ASHWINI FORMS,
DODDAKAMANAHALLI VILLAGE,
GOTTIGERE POST,
BANNERUGHATTA ROAD,
BENGALURU - 560 083.

14. SRI. VINAY KUMAR
S/O LATE K. GOVINDAIAH,



AGED ABOUT 40 YEARS,
RESIDING AT NO.2E,
BANGALORE DAIRY QUARTERS, DRC POST,
BENGALURU - 560 029.

15. SMT. PARVATHI
W/O GOPALAKRISHNA,
D/O LATE K. GOVINDAIAH,
AGED ABOUT 43 YEARS,
RESIDING AT NO.3359,
2ND STAGE, 40TH CROSS,
CHANDRA NAGAR,
KUMARASWAMY LAYOUT, BENGALURU - 560 078.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE
NATURE OF CERTIORARI TO SET ASIDE THE ORDER DATED
11.03.2025 PASSED IN O.S. NO.226/2011 BY THE 1ST
ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, RAMANAGARA,
REJECTING IA NO. 08 FILED BY THE PETITIONER UNDER
ORDER 6 RULE 17 OF CPC VIDE ANNEXURE-A, THEREBY
ALLOWING THE APPLICATION OF THE PETITIONER.

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 order on IA No.8 passed in O.S.No.226/2011 by the Principal Senior Civil Judge and CJM, Ramanagara, dated 11.03.2025. The petitioner/plaintiff has before this Court.

2. The suit was filed in the year 2011 seeking declaration and possession against the defendants. In the said suit, the written statement was filed and after the trial had commenced and at the stage of arguments, based on the application filed by the defendant, again the case was reopened. Now the present application came to be filed under Order VI Rule 17 of the CPC by the plaintiff seeking amendment of the plaint. In the affidavit in support of the said IA, it is stated that, in the written statement, defendant No.2 has pleaded certain facts with regard to the partition suit filed by the defendant, which has been decreed. According to the plaintiff, no notice was given to him, and, without notice, such an order was passed. As such, he wants to bring those



pleadings on record, and he has come up with IA seeking amendment of the pleadings.

3. The Trial Court, by the order impugned, has dismissed the said application observing that the trial has commenced and when the stage is for arguments, the instant application came to be filed by the plaintiff No.1 to add the additional information as prayed in the application at a belated stage. Further, it is to be noted here that the counsel for the plaintiff also took up to canvass his arguments. Now, if the amendment is allowed, the entire nature of the suit will change, and moreover, the case comes under the more than 10-year-old case list. Therefore, the Court is of the view that the applicant is not diligent in conducting the case and accordingly dismissed the application.

4. Learned counsel for the petitioner submits that by way of this amendment, the nature of the suit is not going to change, nor any prejudice would be caused to the defendants. It is submitted that due to lapses or a communication gap between the plaintiff and the advocate, this plea could not be taken up. They could not come up with this application at an



appropriate time. It is submitted that by imposing some costs, this application may be allowed by this Court. If this amendment is not allowed, it would cause a lot of prejudice to the plaintiff. The Trial Court has failed to consider all these aspects. Only on the ground that this is an old case, the Trial Court has dismissed the application. It is submitted that in the interest of justice, the application may be allowed.

5. Having heard the learned counsel for the petitioner, perused the material on record. The suit is of the year 2011. This court has perused the affidavit. As per the affidavit, the petitioner came to know about the partition suit and other pending partition suits and the judgment and decree after the written statement was filed. No doubt the written statement was filed in the year 2013 itself. Right from 2013 till 2024, for 11 long years, the petitioner/plaintiff had kept quiet. Now it is submitted that after the matter was posted for argument, again at the behest of the defendant, it was reopened. Now it is coming up for examination of DW2. It is submitted that if this application is allowed, no prejudice would be caused. The submission of the learned counsel for the petitioner, this Court



is not able to appreciate for the reason, basing on the pleadings of the parties, the Court has framed the issues. Basing on that, the evidence is let in.

6. During the course of evidence, the party feels that certain pleadings could have been taken and that would be advantageous to him and to cover up those laches, he cannot be permitted to amend the pleadings at any point of time. As rightly observed by the Trial Court, by allowing this pleading, the entire issues and the entire that is adduced before the Court till now would change. The Court shall not come to the rescue of a litigant who is not vigilant, after the amendment to Order VI Rule 17 of the CPC, the post-trial amendments. Unless and until it is shown and proved that, in spite of due diligence, these facts could not be brought to the notice of the Court at the earliest, the Court cannot allow the amendments. This is a classic case where the facts which are in the knowledge of a party from the year 2013, for the best reasons known to him, he wants to amend the pleadings. As submitted, in the interest of justice or for avoiding the multiplicity of proceedings or whatsoever reason, these kinds of



applications cannot be allowed, and it would definitely prejudice the case of the defendant, and also the valuable judicial time cannot be permitted to be wasted in this manner, and this Court do not find any reasons to interfere with the order.

7. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. Pending IAs, if any, shall stand closed.

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