



CNR: KAHC010332632026

NC: 2026:KHC:47309
WP No. 14946 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 14946 OF 2026 (GM-CPC)

BETWEEN:

1. SRI B. CHANDRASHEKAR,
S/O LATE G.H. BANGERA,
AGED ABOUT 71 YEARS,
2. SMT C. DAKSHAYANI,
D/O SRI B. CHANDRASHEKAR,
AGED ABOUT 41 YEARS

BOTH ARE RESIDING AT
NO 12/1, 9TH CROSS ROAD,
2ND MAIN ROAD, CHAMRAJPET,
BENGALURU-560 018

3. SMT M. PUSHPALATHA,
W/O SRI V. BALARAJ,
AGED ABOUT 51 YEARS
4. SRI V. BALARAJU,
S/O LATE VENKATARAMANAPPA,
AGED ABOUT 62 YEARS,

BOTH ARE PRESENTLY RESIDING AT
NO.46, GIRIDHAMA LAYOUT,
R. R NAGAR,
BENGALURU -560 098

...PETITIONERS

(BY SRI. H MANJUNATH.,ADVOCATE)



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AND:

SRI G. PRUTHVIRAJ,
S/O LATE GOPALAKRISHNA,
AGED ABOUT 36 YEARS,
RESIDING AT NO.93,
MODEL HOUSE STREET,
NEAR SANMAN GUEST HOUSE,
BASAVANAGUDI,
BENGALURU-560 004

...RESPONDENT

(BY SMT.ANURADHA URS M.D., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS PENDING DISPOSAL ON THE FILE OF THE HONBLE COURT OF V ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU IN O.S.NO.561/2023.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the orders dated 11.03.2026 passed in I.A.No.5 of OS.No.561/2023 by the V Addl. City Civil & Sessions Judge, Bengaluru, the defendants are before this court.

2. The respondent/plaintiff initially filed the suit seeking the relief of cancellation of the Sale Deed dated 24.06.2022, a



declaration that the compromise decree passed in OS.No.5442/2009 dated 28.10.2009 is not binding upon him, and, consequently, a declaration that he is the absolute owner of the suit schedule property. The suit also sought a relief to restrain the petitioner Nos.1 to 4 herein from interfering with the respondent No. 2's peaceful possession, occupation, and enjoyment of the suit schedule property. Later, they filed an application under Order VI Rule 17 of the CPC seeking amendment of the plaint, stating that during the pendency of the proceedings, they had been dispossessed and the construction had been carried out by the defendants. They sought the relief to put the plaintiff in the peaceful possession and occupation of the suit schedule property and to declare that the plaintiff is the absolute owner of the suit schedule property. They also sought to grant a mandatory injunction directing defendant Nos. 3 and 4 to quit, vacate, and hand over the vacant possession of the suit schedule property without claiming any right, or by demolishing the illegal structures over the suit property, or alternatively to permit the plaintiff to



demolish the illegal structures at the defendants' costs. That came to be allowed by the order impugned.

3. While allowing the application, the trial court observed that in the statement of objections filed by the counsel for respondent Nos. 3 and 4, the only ground urged to disallow the plaintiff from amending the plaint was the denial of the affidavit averments regarding the maintainability of the suit. To avoid multiplicity of proceedings and to adjudicate the lis between the parties, the proposed amendments are just and necessary. They do not cause any prejudice or injustice to the defendants, and accordingly, the application was allowed.

4. Learned counsel appearing on behalf of the petitioner/defendants submits that they were initially in possession of the property. Now, according to them, they are seeking recovery of possession of the property, and all the earlier prayers have to be deleted; without doing so, they cannot take such a prayer. It is submitted that, according to the defendant, they have been in possession of the property from the beginning and have not even stated when they were



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dispossessed. Hence, in those circumstances, the trial court ought not to have allowed the application.

5. The learned counsel appearing for the respondent/plaintiff has categorically stated that, during the pendency of the proceedings, he was dispossessed and that construction was carried out; hence, he sought recovery of possession and a mandatory injunction. As no prejudice would be caused, the trial court has rightly allowed the application, and there are no grounds to interfere.

6. Having heard the learned counsel on either side, perused the entire material on record. The petitioners now seek, by way of this amendment, a declaration and the recovery of possession. The plaintiff's case is that, during the pendency of the proceedings, they were dispossessed. In those circumstances, if this amendment is allowed, the defendant would have an opportunity to file an additional written statement. He can raise all the grounds and also adduce the necessary evidence. If the respondent/plaintiff claims that he was dispossessed during the pendency of the proceedings, the burden lies on him to prove that he was dispossessed during



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that period and that the relief sought is within the limitation.
Hence, in those circumstances, this court do not find any
reason to interfere with the order passed by the trial court.
Hence, this court is passing the following:

ORDER

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

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

TS
List No.: 1 Sl No.: 66