



CNR: KAHC010383372019

NC: 2026:KHC:50696
WP No. 24811 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 24811 OF 2019 (GM-CPC)

BETWEEN:

1. SMT. RATHNAMMA
W/O SRI V SRINIVASAIAH
AGED ABOUT 53 YEARS
2. SRI V SRINIVASAIAH
S/O SRI VENKATAPPA
AGED ABOUT 72 YEARS

BOTH ARE RESIDING AT
KODIGEHALLI VILLAGE
BENGALURU NORTH TALUK
BENGALURU 560092.

...PETITIONERS

(BY SRI. M. SRINIVAS MURTHY, ADVOCATE)

AND:

1. SMT N SUBBAMMA
@ SUNANDAMMA
W/O SRI N VENKATESH
AGED ABOUT 48 YEARS
RESIDING AT: THANISANDRA,
SHIVARAMAKARANTH NAGAR POST
BENGALURU 560045
2. SRI K.H.ANJINAPPA
S/O LATE SRI HUTCHAPPA @ CHICKAHUTCHAPPA,
AGED ABOUT 87 YEARS
RESIDING AT: KODIGEHALLI VILLAGE,

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YELAHANKA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 560092

3. SRI K.H.RAMAKRISHNAPPA
S/O LATE SRI HUTCHAPPA
@ CHICKAHUTCHAPPA
AGED ABOUT 82 YEARS
RESIDING AT: KODIGEHALLI VILLAGE
YELAHANKA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 560092
4. SRI K.R.RAJU
S/O SRI K.H.RAMAKRISHNAPPA,
AGED ABOUT 49 YEARS,
5. SRI K.R.LAKSHMINARAYANA
S/O SRI K.H.RAMAKRISHNAPPA,
AGED ABOUT 44 YEARS,
6. SRI K.R.JAYARAM
S/O SRI K.H.RAMAKRISHNAPPA,
AGED ABOUT 40 YEARS,

R4 TO R6 ARE RESIDING AT:
NO.1663, SRI MARUTHI FARMS,
AMCO LAYOUT, SAHAKARANAGARA POST,
BENGALURU 560092.

...RESPONDENTS

(BY SRI. S.V. BHAT, ADVOCATE FOR R4 TO R6;
R1 AND R2 SERVED AND UNREPRESENTED;
V/O DATED 14.03.2025 PETITIONER AGAINST R3 STANDS
ABATED)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER
DATED 10.04.2019 PASSED BY THE COURT OF XXIX-

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ADDITIONAL CITY CIVIL JUDGE, BENGALURU CITY ON IA-8 IN
O.S.NO.423 OF 2015 VIDE ANNEX-'D' AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The present writ petition is filed by the plaintiffs assailing the order dated 10.04.2019 passed by the learned Judge on I.A.No.8 in O.S.No.423/2015, whereby the application filed by the plaintiffs seeking amendment of the plaint has been rejected, principally on the ground that the suit was instituted in the year 2015, whereas the application for amendment was filed on 14.01.2019.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents. Perused the impugned order and the material on record.

3. A perusal of the pleadings and the proposed amendment would indicate that the amendment sought by the plaintiffs is purely in the nature of a correction of a

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typographical error occurring in the prayer column of the plaint. In the original prayer, the plaintiffs had sought a declaration that the plaintiffs are the absolute owners of the suit schedule property. By way of the proposed amendment, the plaintiffs seek to make the prayer more specific by stating that plaintiff No.1 is the absolute owner of the suit schedule property. Thus, the proposed amendment does not introduce any new cause of action, alter the nature or character of the suit, or set up any new case. It merely seeks to correct and clarify the description of the person in whose favour the declaration is sought.

4. It is also significant that the defendants did not contest the application for amendment. In the circumstances, the learned Judge was required to consider whether the proposed amendment was necessary for determining the real controversy between the parties and whether refusal thereof would result in prejudice or unnecessary complications at a later stage. Instead, the

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learned Judge has adopted an unduly hyper-technical approach, relying upon the principles governing belated amendments without examining the nature and scope of the amendment actually sought.

5. The mere fact that the suit was instituted in the year 2015 and the amendment application came to be filed on 14.01.2019, by itself, could not have been a ground to reject an amendment which is essentially intended to correct a typographical error and bring the prayer in conformity with the plaintiffs' case. The principles governing amendment of pleadings have to be applied having regard to the nature of the amendment sought and the prejudice, if any, likely to be caused to the opposite party. The learned Judge, in the present case, has failed to appreciate this aspect and has mechanically applied the principles relating to belated amendments.

6. The proposed amendment is, in fact, necessary to avoid an anomalous situation. If the plaintiffs were to



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succeed in establishing their title, but the decree were to contain a declaration in favour of the plaintiffs collectively instead of plaintiff No.1, who according to the plaintiffs is the absolute owner, the decree itself could give rise to avoidable complications at the stage of execution and in the enjoyment of the fruits of the decree. Such a technical impediment ought not to be permitted to arise when the plaintiffs have sought only to correctly identify the person in whose favour the declaration is claimed.

7. In the considered opinion of this Court, the learned Judge has failed to exercise the discretion vested in the Court in accordance with settled principles governing amendment of pleadings. The proposed amendment being clarificatory and corrective in nature, and there being no contest by the defendants, rejection of the application merely on the ground of delay has resulted in a manifestly erroneous exercise of jurisdiction. The impugned order, therefore, cannot be sustained and

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warrants interference in exercise of the writ jurisdiction of this Court.

8. For the foregoing reasons, this Court proceeds to pass the following :

ORDER

(i) The writ petition is ***allowed.***

(ii) The impugned order dated 10.04.2019 passed by the XXIX Additional City Civil Judge, Bengaluru City, on I.A.No.8 in O.S.No.423/2015, vide Annexure-D, is hereby quashed and set aside.

(iii) Consequently, I.A.No.8 filed by the plaintiffs under Order VI Rule 17 of the Code of Civil Procedure, 1908 seeking amendment of the plaint is allowed. The plaintiffs are permitted to incorporate the proposed amendment in the plaint, subject to compliance with all consequential procedural requirements.

(iv) It is made clear that this Court has expressed no opinion on the merits of the claim



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for declaration, which shall be adjudicated by the
Trial Court in accordance with law and on the
basis of the pleadings and evidence on record.

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**(SACHIN SHANKAR MAGADUM)
JUDGE**

NBM
List No.: 1 SI No.: 10