



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 17775 OF 2026 (GM-CPC)

BETWEEN:

1. HONNAMMA
W/O LATE PARVATHAIAH,
AGED ABOUT 61 YEARS,
2. RANGANATHA
S/O LATE PARVATHAIAH,
AGED ABOUT 49 YEARS,
3. KANTHARAJU
S/O LATE PARVATHAIAH,
AGED ABOUT 39 YEARS,

ALL ARE RESIDENTS OF
KAGENINGANAHALLI VILLAGE,
KALLAMBELLA HOBLI,
SIRA TALUK-572137
TUMKUR DISTRICT.

...PETITIONERS

(BY SMT. SARASWATHI M., ADVOCATE)

AND:

1. THE CHIEF SECRETARY,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BANGALORE-560001.
2. THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT,
TUMKUR-572101.



3. THE TAHASILDAR,
SIRA-572137,
TUMKUR DISTRICT.
4. THE CHIEF SECRETARY
ZILLA PANCHAYATH,
TUMKUR-572101.
5. TALUK EXECUTIVE OFFICER,
TALUK PANCHAYATH,
SIRA-572137.
6. PANCHAYATHI DEVELOPMENT
TARURU GRAMA PANCHAYATHI,
TARURU, KALLAMBELLA HOBLI,
SIRA TALUK-572125
TUMKUR DISTRICT.
REPRESENTED BY ITS PANCHAYATH
DEVELOPMENT OFFICER.

...RESPONDENTS

(BY SRI. MANJUNATH K., HCGP FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO PASS A WRIT OF CERTIORARI TO SET ASIDE THE IMPUGNED ORDER DATED 24.03.2026 PASSED IN IA NO.12 FILED UNDER ORDER 6 RULE 17 READ WITH SECTION 151 OF CIVIL PROCEDURE CODE IN O.S.NO.146/2017 ON THE FILE OF PRL. SENIOR CIVIL JUDGE AND J.M.F.C AT SIRA, VIDE. ANNEXURE-E AND ETC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

Aggrieved by the orders passed on IA No.12 in OS 146/2017 dated 24.03.2026 passed by the Principal Senior Civil Judge and JMFC, Sira, the plaintiffs are before the Court.

2. The petitioners/plaintiffs have filed a suit for declaration and injunction. The Trial Court, based on the pleadings, framed the issues and completed the trial. When the matter is at the stage of argument, the present application is filed seeking an amendment of the plaint, whereby the plaintiffs seek to delete a portion of the admission made in the plaint and replace it with another pleading. It is dismissed by the Trial Court by order impugned.

3. While dismissing the application, the Trial Court observed that the petitioners/plaintiffs had filed an application under Order XVI Rule 6 of the Code of Civil Procedure, 1908 (for short, 'CPC') to direct the 6th defendant to produce the document relating to the petition filed by the Panchayath Development Officer. The said application was rejected on 30.08.2024. Thereafter, they filed another application, which



was also rejected by order dated 20.01.2025, and the matter was posted for arguments on 4.02.2026.

4. After taking adjournments to address their arguments, the plaintiffs have filed this application seeking to strike out their case and to raise a new plea in the plaint by way of amendment. The Trial Court observed that it essentially asks the Court to ignore the evidence adduced on the basis of the said plea and to start a new trial. The Court was of the view that this is an abuse of process of law and it is well settled principle that the plaintiffs and defendants cannot be allowed to amend the pleadings if it results in withdrawing an admission made in the original pleadings after trial, which would prejudice the other party. Thus, the amendment sought by the plaintiffs is nothing but a withdrawal of the admission and the insertion of new pleadings, which would definitely prejudice the defendants, and accordingly, the application was dismissed.

5. Learned counsel appearing for the petitioners submits that at any stage of the proceedings, the amendment of the pleadings can be sought. The Court, based on the facts of the case, has to consider the same. The mere fact that the



trial is completed cannot be a ground to dismiss the IA. It is submitted that earlier, two applications filed by the plaintiffs were dismissed because they sought for the production of certain documents. In light of those facts, they have come up with this application, and the Trial Court has failed to consider the same.

6. Having heard the learned counsel for the petitioner and perused the material on record. It is noted that it is a suit of 2017, when the matter was posted for arguments, the present application is filed seeking amendment of plaint, by way of this application, the petitioners want to introduce a new case and withdraw the admission in the plaint. After the amendment to Order VI Rule 17 of CPC, if the application is filed after the trial has commenced, it has to be stated that, despite due diligence, the said facts could not be brought to the notice of the Court. In this case, the matter is posted for argument. At this stage, when the application is filed seeking amendment, it is relevant to note that there is no due diligence on the part of the plaintiffs. Looking at the application that is filed, it appears that after the evidence is concluded, to fill up the latches, the petitioners/plaintiffs have come up with this



application under Order VI Rule 17 of CPC. Amendment cannot be permitted to fill up the latches, and they cannot be permitted to withdraw the admission, which would cause prejudice to the other party.

7. In those circumstances, the Trial Court has rightly dismissed the application, and this Court finds no reason to interfere with the order passed by the Trial Court. In that view of the matter, this Court is passing the following:

ORDER

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

SD/-
(LALITHA KANNEGANTI)
JUDGE

Vmb
List No.: 1 Sl No.: 8