



CNR: KAHC010424802026

NC: 2026:KHC:43751
WP No. 19370 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 19370 OF 2026 (GM-CPC)

BETWEEN:

SRI. NAGARAJU
S/O, LATE JAVAREGOWDA
AGED ABOUT 65 YEARS,
RESIDENT OF HADENAHALLI VILLAGE,
SHRAVANABELAGOLA HOBLI,
CHANNARAYAPATTANA TALUK,
HASSAN DISTRICT - 573 135

...PETITIONER

(BY SRI. C. PRAKASH, ADVOCATE)

AND:

1. SMT. JAYAMMA
W/O LATE SANNA BOREGOWDA,
AGED ABOUT 69 YEARS
2. SRI. H.S. LOKESH
S/O LATE SANNA BOREGOWDA,
AGED ABOUT 45 YEARS.
3. SRI. H.S. JAGADISH
S/O LATE SANNA BOREGOWDA,
AGED ABOUT 50 YEARS.
4. SRI. MARIGOWDA
S/O, SANNA THAMMEGOWDA,
AGED ABOUT 85 YEARS
RESPONDENT NO.1 TO 4 ARE
RESIDENT OF HADENAHALLI VILLAGE,

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signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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SHRAVANABELAGOLA HOBLI,
CHANNARAYAPATTANA TALUK,
HASSAN DISTRICT – 573 135

5. SMT. NANJAMMA,
W/O, LATE BOREGOWDA,
AGED ABOUT 87 YEARS,
RESIDENT OF HITTALA ALADAHALLI VILLAGE,
SHANTHIGRAMA HOBLI,
HASSAN TALUK,
HASSAN DISTRICT – 573 102
6. SRI. NAGARAJU
S/O, LATE NINGEGOWDA,
AGED ABOUT 65 YEARS,
RESIDENT OF HADENAHALLI VILLAGE,
SHRAVANABELAGOLA HOBLI,
CHANNARAYAPATTANA TALUK,
HASSAN DISTRICT – 573 135

...RESPONDENTS

THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER ON I.A.NO.22 DATED 05.06.2026 PASSED IN O.S.NO.583/2012 ON THE FILE OF THE HON'BLE COURT OF THE ADDITIONAL CIVIL JUDGE AND JMFC, CHANNARAYAPATTANA, AS PER ANNEXURE – A AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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ORAL ORDER

Aggrieved by the orders passed on I.A.No.22 in O.S.No.583/2015 dated 05.06.2026 by the 1st Additional Civil Judge and JMFC, Channarayapattana, the petitioner/plaintiff is before the Court.

2. The petitioner herein filed a suit seeking declaration and a permanent injunction in respect of the suit schedule property. The suit was filed in 2015. In 2025, an IA was filed seeking an amendment of the pleadings. The petitioner's case is that, in the original Sy.No.85/Block-1, the property covered by the said sale deed was granted to Hanumegowda, son of Javaregowda. Subsequently, owing to an erroneous correction in the revenue records, the survey number was shown as Sy.No.101. The said property was thereafter sold by Hanumegowda to the defendant No.1, Channa Boregowda. In the boundary description, the northern boundary is mentioned as Sy.No.102. The said Sy.No.102 was originally granted as Sy.No.85/B-2, which was subsequently and erroneously corrected to Sy.No.102. As per Ex.P-34, in case No.305/2021-22, on the file of the Joint Director of Land Records, Mysuru



NC: 2026:KHC:43751
WP No. 19370 of 2026

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Division, Mysuru, Sy.No.102 has been canceled by a specific order. In the same manner, Sy.No.101 is also liable to be canceled. Both Sy.Nos.85/B-1 and 85/B-2 were wrongly corrected and renumbered as Sy Nos.101 and 102, respectively. They are situated at a distance of about 300 to 500 meters from the suit schedule property and are in possession of different persons. Since Sy.No.101 has been shown as being in existence, it has become necessary to carry out the amendment. The trial court dismissed the same by the impugned order.

3. While dismissing the application, the trial Court observed that the present application must be filed after the conclusion of the evidence on behalf of both the plaintiff and the defendant and after the suit has been posted for final arguments. At that stage, the plaintiff filed interlocutory applications, produced certain additional documents during the further examination of the plaintiff's evidence, and had them marked as exhibits. Thereafter, when the matter was posted for further cross-examination of the plaintiff, the present interlocutory application was filed. The present application was



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**NC: 2026:KHC:43751
WP No. 19370 of 2026**

filed only after the conclusion of the evidence on behalf of both the plaintiff and the defendants. Upon consideration of the proposed amendment sought in the application, it is evident that the application was filed to rectify deficiencies in the plaintiff's case and the shortcomings that emerged from the evidence adduced on behalf of the defendant. Therefore, the Court is of the opinion that the application was filed to cure defects, omissions, or infirmities in the plaintiff's case by way of amendment. If the proposed amendment is allowed, it would alter the nature and character of the suit. Further, it would cause irreparable prejudice to the defendants. Moreover, the defendants' contention that the present application has been filed only to delay the proceedings cannot be brushed aside, and accordingly, the trial Court dismissed the application.

4. Learned counsel appearing for the petitioner submits that, basing on the survey, the petitioner only seeks correction of the survey number. It would not prejudice the defendants, and the trial court ought to have allowed the application. The trial court dismissed the application more on technicalities.



**NC: 2026:KHC:43751
WP No. 19370 of 2026**

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5. Having heard the learned counsel for the petitioner, perused the material on record. The suit is of the year 2015 and is filed for declaration and injunction. The entire evidence has been adduced, and the matter is posted for arguments. At that time, this application was filed. Based on the survey numbers mentioned in the plaint, the parties have led evidence, and at this point, seeking an amendment to the said pleadings is nothing but, as rightly observed by the trial court, filling up the laches or introducing altogether a new case, which is not permissible. The trial court rightly dismissed the application, and this Court finds no 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 I.As in this petition shall stand closed.

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

TS,List No.: 1 SI No.: 12