



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 1ST DAY OF OCTOBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO.36528 OF 2019 (GM-CPC)

BETWEEN:

1. SRI. KRISHNAPPA
S/O LATE DODDAPILLAPPA
AGED 88 YEARS
R/A NUGITHAHALLI VILLAGE
NANDI HOBLI
CHICKBALLAPURA TALUK
CHICKBALLAPURA DISTRICT-562101

REPRESENTED BY HIS GPA HOLDER
SRI. RAVI KUMAR
S/O SRI NARAYANASWAMY
AGED 30 YEARS
R/A NUGITHAHALLI VILLAGE
AJWARA POST, NANDI HOBLI
CHIKKABALLAPURA TALUK
AND DISTRICT-562101.

...PETITIONER

(BY SRI. K.N. NITHISH, ADV., FOR
SRI. K.V. NARASIMHAN, ADV.,)

AND:

NARAYANASWAMY
SINCE DEAD BY HIS LRS.

1. SRI. KRISHNAPPA
S/O LATE NARAYANASWAMY

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified





CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

AGED 42 YEARS.

2. SRI. GANAPATHI
S/O LATE NARAYANASWAMY
AGED 40 YEARS.

3. SRI. ANJINAPPA
S/O LATE NARAYANASWAMY
AGED 38 YEARS.

R1 TO R3 ARE R/O
NUGATHIHALLI VILLAGE
NANDI HOBLI, CHICKBALLAPURA TALUK
AND CHICKBALLAPURA DISTRICT-562101.

4. SMT. MUNIRATHNAMMA
D/O LATE NARAYANASWAMY
W/O RAMANNA
MAJOR
R/AT. S. DEVAGANAHALLI VILLAGE
SADALI HOBLI, SIDLGHATTA TALUK
CHIKKABALLAPURA DISTRICT-562105.

5. SRI. RAMACHANDRAPPA
S/O DODDANARAYANAPPA
AGED 60 YEARS.

6. SRI. PUTTAPPA
S/O VENKATAPPA
AGED 45 YEARS.

7. SRI. MUNIRAJU
S/O VENKATAPPA
AGED 42 YEARS.

8. SRI. MUNIKRISHNAPPA
S/O VENKATAPPA
AGED 40 YEARS.



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

9. SRI. GOPALAKRISHNA
S/O VENKATAPPA
AGED 38 YEARS.
10. SMT. SHANTHAMMA
W/O LATE SUBRAMANI
S/O LATE PUTTAPPA
AGED 39 YEARS.
11. S. GOWTHAM
S/O LATE SUBRAMANI
AGED 19 YEARS.
12. SRI. MUNIYAPPA
SINCE DEAD BY LR'S.
- (a) SMT. MUNIVENKATAMMA
W/O LATE MUNIYAPPA
AGED ABOUT 70 YEARS.
- (b) SMT. GANGAMANIAMMA
W/O LATE MUNIYAPPA
AGED ABOUT 65 YEARS.
- (c) SMT. MANJULA
D/O LATE MUNIYAPPA
W/O MANJUNATH
AGED ABOUT 46 YEARS.
- (d) SMT. GEETHA
D/O LATE MUNIYAPPA
W/O VIJAY KUMAR
AGED ABOUT 40 YEARS.

ALL ARE R/AT. NEEGUTHAHALLI VILLAGE
NANDI HOBLI, CHIKKABALLAPURA
TALUK & DISTRICT 562101.

13. SRI. NARAYANASWAMY
SINCE DEAD BY LR'S.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

- 13(a) RAJAMMA @ NARASAMMA
W/O LATE NARAYANASWAMY
AGED ABOUT 52 YEARS
R/AT. KANDHAVARABAGILU
C.C. CIRCLE,
CHICKKABALLAPURA TALUK
CHICKKABALLAPURA DIST - 562101.
- 13(b) GAYATRI
D/O LATE NARAYANASWAMY
W/O MURULI (L.I.C. AGENT)
AGED ABOUT 40 YEARS
R/AT. KANDHAVARABAGILU
C.C. CIRCLE,
CHICKKABALLAPURA TALUK
CHICKKABALLAPURA DISTRICT-562101.
14. SRI. GOVINDAPPA
S/O DODDAPILLAPPA
AGED 53 YEARS.
- ALL ARE R/O NUGITHAHALLI VILLAGE
NANDI HOBLI,
CHICKBALLAPURA TALUK
AND CHICKBALLAPURA DISTRICT-562101.
15. SRI. RAMAIAH
SINCE DEAD BY LR.
- 15(a) LAKSHMIDEVAMMA
W/O LATE RAMAIAH
AGED ABOUT 52 YEARS
R/O NUGITHAHALLI VILLAGE
NANDI HOBLI, AJJAVARA POST
CHICKBALLAPURA TALUK
AND CHICKBALLAPURA DISTRICT-562101.
- 15(b) MUDDUKRISHNA
S/O LATE RAMAIAH
AGED ABOUT 31 YEARS



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

R/O NUGITHAHALLI VILLAGE
NANDI HOBLI, AJJAVARA POST
CHICKBALLAPURA TALUK
AND CHICKBALLAPURA DISTRICT-562101.

15(c) PRAMILA D/O LATE RAMAIAH
W/O BASAVARAJ
AGED ABOUT 39 YEARS
R/O GUNDLAHALLI VILLAGE
JARABANDAHALLI POST
MANCHENAHALLI HOBLI
GAURIBIDANUR TALUK
CHICKBALLAPURA DISTRICT-562101

15(d) SHAIYLA D/O LATE RAMAIAH
W/O GOPAL
AGED ABOUT 37 YEARS
R/AT. KAMMADAKA VILLAGE
SOMENAHALLI POST
SOMENAHALLI HOBLI
GUDIBANDA TALUK
CHICKKABALLAPURA DIST-560082.

15(e) SHILPA
D/O LATE RAMAIAH
W/O GOPAL
AGED ABOUT 34 YEARS
R/AT. POLARPALLI VILLAGE
MANDIKAL HOBLI
PERESANDRA POST
CHICKKABALLAPURA TALUK
CHICKKABALLAPURA DIST - 562104.

...RESPONDENTS

(BY SRI. MUNIRAJA M, ADV., FOR R1-R4, R8-R12 & R15
R5, R6, R7, R14 ARE SERVED AND UNREPRESENTED
V/O/DTD:03.01.2020 SERVICE OF NOTICE TO R13 IS H/S
P'SD R12(a) - SD & V/O/DTD:11.07.2025 NOTICE TO
PROPOSED R12(b) IS H/S

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

R12(b), PROPOSED R13(b), PROPOSED R15(c) ARE SD
V/O/D 23.01.2026 PRO'SD
R12(c) MANJULA – SD
PRO'SD 12(d) GEETHA – SD
V/O/DTD: 01.07.2026 SERVICE OF NOTICE IN R/O R15(a),
R15(b), R15(d), R15(e) IS H/S
R15(a) - R15(b) – R15(d), R15(e) – V/O/DTD:12.08.2026
NOTICE TO R13(a) IS H/S)

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE
ORDER DTD 14.08.2019 PASSED BY THE LEARNED 1ST
ADDITIONAL CIVIL JUDGE AND JMFC AT CHICKBALLAPUR IN
O.S.NO.172/2012 VIDE ANNEX-E & ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed by the plaintiff calling
in question the order passed by the learned Trial Judge
declining to permit amendment of the plaint at the stage
when the matter had been set down for arguments.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

2. The petitioner-plaintiff initially instituted the suit seeking a declaration that he is entitled to 1/4th share in the suit schedule properties. When the matter was set down for arguments, the petitioner filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short, 'the CPC'), seeking leave to incorporate a prayer for partition as an alternative/consequential relief. The said application came to be rejected by the learned Trial Judge principally on the ground that the proposed amendment would alter the nature and character of the suit. The learned Trial Judge also declined the amendment on the ground of delay, observing that the application had been filed after lapse of several years.

3. Learned counsel appearing for the petitioner and learned counsel appearing for the respondents/defendants have been heard. This Court has also considered the judgment relied upon by learned

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

counsel for the respondents in ***M. Revanna vs. Anjanamma***¹.

4. The genealogy/family tree placed before this Court by learned counsel for the petitioner discloses that one Doddapillappa had two wives, namely, Puttamma and Kondamma. The petitioner-plaintiff represents the branch of the first wife, Puttamma, whereas the respondents/defendants represent the branch of the second wife, Kondamma.

5. The pleadings further disclose that the parties do not dispute that there was a partition in the year 1955, during the lifetime of Doddapillappa, in respect of the ancestral properties. The case of the petitioner, however, is that the suit land was an Inam land and that Doddapillappa along with his three sons had sought re-grant of the said land under the provisions of the Inam Abolition Act. The Deputy Commissioner, pursuant to the

¹ AIR 2019 SC 940



said proceedings, granted the land in favour of Doddapillappa and his three sons.

6. The petitioner, while acknowledging the partition of the ancestral properties effected in the year 1955, has instituted the present suit claiming a declaration that he is entitled to 1/4th share in the suit land. The defence of the respondents, on the other hand, is that there had been a partition and severance even in respect of the suit land and, therefore, the petitioner is not entitled to claim any share therein.

7. On a careful examination of the pleadings in the plaint and the proposed amendment, this Court is of the considered view that the learned Trial Judge has adopted an unduly technical approach in rejecting the application merely on the ground that the amendment was sought after a lapse of seven years and that the same would alter the nature and character of the suit.



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

8. The proposed amendment has to be examined in the context of the substantive relief already sought in the plaint. The petitioner has, from the inception, asserted that he is entitled to 1/4th share in the suit land. The amendment does not introduce an altogether new or inconsistent case; rather, it seeks to incorporate the consequential relief of partition flowing from the declaration already claimed.

9. Significantly, when a specific query was put to learned counsel appearing for the respondents regarding the nature of the suit land, he fairly conceded that the suit land was admittedly Inam land and that the same had been re-granted in favour of Doddapillappa and his three sons.

10. In view of the aforesaid admission, learned counsel for the petitioner submits that the entitlement of the three sons to the respective shares in the re-granted Inam land is not in dispute. According to the petitioner, his

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

claim is confined to 1/4th share in the 1/4th share held by his father, Doddapillappa. It is further submitted that the pleadings already contain the necessary foundational facts and that the petitioner has led both oral and documentary evidence on the relevant aspects. Learned counsel, therefore, fairly undertakes that the petitioner shall not seek permission to adduce any further evidence consequent upon the proposed amendment, particularly since the matter has already reached the stage of arguments.

11. In the backdrop of these undisputed and admitted facts, this Court is of the view that the learned Trial Judge has failed to examine the substance of the proposed amendment in the context of the relief already sought in the plaint.

12. The real controversy between the branches represented by the petitioner and the respondents is with regard to the 1/4th share which was granted to



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

Doddapillappa in the re-granted Inam land. While the petitioner claims a share therein by succession, the defence of the respondents is that even the said 1/4th share had been partitioned and there had been severance of the joint status.

13. Thus, the central issue which requires adjudication is whether there was a partition or severance in respect of the 1/4th share held by Doddapillappa and, consequently, whether the petitioner is entitled to claim a share therein. Both parties have already adduced evidence touching upon this controversy. Therefore, the proposed amendment would facilitate adjudication of the real controversy between the parties rather than introduce a new cause of action unconnected with the existing pleadings.

14. There is yet another significant aspect which cannot be lost sight of. Even assuming that the amendment is declined, the petitioner would not be

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

precluded from instituting an independent suit for partition, subject of course to all questions of limitation and other defences available in law. Such a course would inevitably result in multiplicity of proceedings, notwithstanding the fact that the foundational dispute is already before the Trial Court and the parties have adduced evidence.

15. The Hon'ble Supreme Court in ***Sampath Kumar v. Ayyakannu and Another AIR 2002 SC 3369*** has emphasized that amendments which facilitate determination of the real controversy and avoid multiplicity of proceedings ought ordinarily to be permitted, particularly where the proposed amendment does not fundamentally alter the nature of the dispute between the parties.

16. In the present case, the petitioner has not sought to substitute the original cause of action with an entirely different cause of action. The claim that he is



CNR: KAHC010425292019

**NC: 2026:KHC:54899
WP No. 36528 of 2019**

entitled to 1/4th share in the suit property is already embedded in the original plaint. The proposed prayer for partition is essentially consequential to, and in aid of, the declaration already sought.

17. It is also relevant that the petitioner has approached the Court asserting a specific share in the suit property. Merely because the suit was initially framed as one for declaration of entitlement to 1/4th share, the incorporation of a consequential prayer for partition cannot, in the facts of the present case, be regarded as altering the fundamental nature or character of the suit. The proposed amendment does not substantially displace the defence of the respondents. On the contrary, it enables the Trial Court to conclusively adjudicate the dispute regarding the alleged severance and entitlement of the petitioner to the share claimed.

18. The fact that the application was filed at the stage of arguments, by itself, cannot be determinative



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

when the amendment is otherwise necessary for effective adjudication of the dispute. The delay can be adequately balanced by imposing appropriate conditions. In the present case, the petitioner has voluntarily undertaken not to lead any further evidence on the proposed amendment. The respondents can also be permitted to file a limited written statement confined to the amended pleadings.

19. The judgment relied upon by learned counsel for the respondents has no application to the facts of the present case. The present case is distinguishable on facts and, more importantly, the proposed amendment does not introduce a new and inconsistent cause of action so as to alter the basic structure of the suit.

20. For the foregoing reasons, this Court is of the considered view that the order impugned suffers from an erroneous and overly technical approach and cannot be sustained. The petitioner deserves to be permitted to amend the plaint, subject to appropriate safeguards.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010425292019

NC: 2026:KHC:54899
WP No. 36528 of 2019

21. Accordingly, this Court proceeds to pass the following:

ORDER

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

(ii) The order dated 14.08.2019 passed in O.S.No.172/2012 by the learned I Additional Civil Judge and JMFC, Chikkaballapur, vide Annexure-E, is hereby quashed and set aside.

(iii) The petitioner-plaintiff is permitted to incorporate the proposed amendment to the plaint. It is made clear that the petitioner shall not be entitled to adduce any further oral or documentary evidence on account of the proposed amendment.

(iv) The respondents/defendants shall be permitted to file a limited written statement, confined to the pleadings incorporated by way of amendment.

(v) Upon completion of the aforesaid formalities, the learned Trial Court shall proceed

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified



CNR: KAHC010425292019

**NC: 2026:KHC:54899
WP No. 36528 of 2019**

with the matter and adjudicate the suit on its merits, in accordance with law, preferably within an outer limit of six months from the date of receipt of a certified copy of this order.

Digitally Signed By:
SACHIN SHANKAR MAGADUM
Verified

**(SACHIN SHANKAR MAGADUM)
JUDGE**

CA
List No.: 1 Sl No.: 8