



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 7<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 19761 OF 2026 (GM-CPC)**

**BETWEEN:**

1. SRI GOVINDARAJ  
AGED ABOUT 71 YEARS  
S/O LATE G. RAMAIAH  
RESIDING AT 9, 2ND CROSS,  
N.V.R. BLOCK, J.C. NAGAR,  
BENGALURU – 560 006
2. SRI. C. RAGHU  
AGED ABOUT 59 YEARS  
S/O V. CHINNAPPA  
RESIDING AT ASHOK NAGARA  
VIJAYAPURA, DEVANAHALLI TALUK  
BENGALURU RURAL DISTRICT – 562 135

...PETITIONERS

(BY SRI. UMESH M.N., ADVOCATE)

**AND:**

1. SRI A.V.C.VEERABADRAPPA  
AGED ABOUT 73 YEARS,  
S/O LATE A.V. CHIKKAPPAYYANNA  
RESIDING AT KOTE BEEDHI,  
VIJAYAPURA TOWN,  
DEVANAHALLI TALUK,  
BENGALURU RURAL DISTRICT- 562 135
2. SRI. V. MURALI  
AGED ABOUT 49 YEARS,  
S/O A.V.C. VEERABADRAPPA  
RESIDING AT KOTE BEEDHI,



VIJAYAPURA TOWN,  
DEVANAHALLI TALUK,  
BENGALURU RURAL DISTRICT- 562 135

3. SRI. GEETHESH  
AGED ABOUT 46 YEARS,  
S/O A.V.C. VEERABADRAPP  
RESIDING AT KOTE BEEDHI,  
VIJAYAPURA TOWN,  
DEVANAHALLI TALUK,  
BENGALURU RURAL DISTRICT- 562 135

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO PASS A WRIT OF CERTIORARI SETTING ASIDE THE IMPUGNED ORDER DATED 27-03-2026, PASSED BY THE HON'BLE COURT OF PRINCIPAL ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, AT DEVANAHALLI, IN O.S. NO. 374/2008, ON INTERIM APPLICATION NO. XII, UNDER ORDER VI RULE 17 READ WITH SECTION 151 OF THE CIVIL PROCEDURE CODE, RESPECTIVELY (VIDE ANNEXURE-A HEREIN) AND ALLOW THE SAID APPLICATION AS PRAYED FOR.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

**ORAL ORDER**

Aggrieved by the order passed on I.A.No.12 in O.S.No.374/2008 dated 27.03.2026 by the Principal Senior Civil Judge and JMFC, Devanahalli, the plaintiff is before this Court.

2. The suit is filed seeking specific performance of an agreement of sale, that suit was decreed ex parte and the said



ex parte judgment and decree was later set aside. The suit is now at the stage of further evidence of the plaintiff. The present application is filed under Order VI Rule 17 of the CPC seeking amendment of the pleadings.

3. The plaintiffs' case is that the suit is for specific performance. The plaintiffs have recently changed their counsel and have come to know of the defence taken by defendant Nos. 2 to 4. The plaintiffs have handed over the vital documents to their counsel. The plaintiffs have filed an application to withdraw the suit with liberty to file a fresh suit on the same cause of action, which was rejected. There was no transaction between the plaintiff and the defendant as alleged in the written statement. The plaintiff could not disclose the real transaction and illegal acts done by the defendants; hence, they sought to amend the pleadings, which was dismissed by the order impugned.

4. The trial court while dismissing the application, observed that the amendment cannot be allowed to overcome the defence set out by the defendants. In para No.10 of the affidavit, the plaintiffs have stated that they could not disclose



the real transactions and illegal acts done by the defendants in their pleadings. It is not explained what prevented the plaintiff from disclosing the complete facts and transactions in respect of the suit transaction at the inception. The trial court further observed that the mere change of counsel is not a ground to seek amendment of the plaint. On careful perusal of the proposed amendment, it is prayed that certain facts regarding the payment of an amount of Rs.56,80,932/- to the defendants have been sought to be inserted. It is nowhere stated in the affidavit, what prevented the plaintiff from disclosing the said facts at the time of filing of the suit or at any later stage before commencement of the trial.

5. The trial court has concluded that the amendment sought after commencement of the trial cannot be allowed liberally unless cogent reasons are made out by the applicant. The amendment which sets-up a new case cannot be entertained and accordingly stands dismissed.

6. Learned counsel appearing for the petitioner submits that the said amendment is crucial for deciding the dispute between the parties because of the mistake on the part of the



counsel, certain important aspects with regard to the amounts were not stated. Unless and until this amendment is carried, it would cause hardship to the plaintiff. It is submitted that the court cannot look at the issue in a hyper-technical manner and the court has to balance the interests of the parties. When a particular amendment is essential for adjudicating the dispute between the parties, the trial court ought to have allowed the application and no prejudice would be caused to the defendant.

7. Having heard the learned counsel appearing for the petitioner, perused the material on record. The court finds that the suit is of the year 2008. The petitioner seeks to place certain facts on record which were not taken before. Now, after the evidence is set down and the matter is posted for further evidence, the aspect of payment of any amount, i.e., the outstanding amount that has to be paid, is a crucial aspect in a suit for specific performance, and at such a belated stage, the plaintiff cannot be permitted to introduce new pleadings which amounts to introducing all together a new case. 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.



8. Accordingly, this Court is passing the following:

**ORDER**

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

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

TS  
List No.: 1 Sl No.: 26