



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 21017 OF 2026 (GM-CPC)

BETWEEN:

SMT. MUNIRATHNAMMA
WIFE OF MUNIYAPPA
AGED ABOUT 57 YEARS,
R/AT BELLURU VILLAGE,
NARASAPURA HOBLI,
KOLAR TALUK-563 133

...PETITIONER

(BY SRI. RAJESH GOWDA, ADVOCATE)

AND:

1. SMT. PADMA
D/O LATE VENKATARAMAPPA
AGED ABOUT 31 YEARS
2. SRI. ARUN KUMAR
S/O LATE VENKATARAMAPPA
AGED ABOUT 29 YEARS,
3. MANOJ
S/O LATE VENKATARAMAPPA
AGED ABOUT 28 YEARS
4. SMT. SHASHIKALA
W/O LATE PRAKASH
AGED ABOUT 32 YEARS,
5. MASTER CHARAN
S/O LATE PRAKASH
AGED ABOUT 15 YEARS,
BEING A MINOR,

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA



REPRESENTED BY HIS MOTHER
SMT. SHASHIKALA

6. SRI. MURALI
S/O CHANDRAPPA
AGED ABOUT 28 YEARS
7. SRI. GAJENDRA,
S/O CHANDRAPPA
AGED ABOUT 24 YEARS
8. SHANTHAMMA
W/O LATE SRINIVAS
AGED ABOUT 42 YEARS
9. VIJAYKUMAR
S/O LATE SRINIVAS
AGED ABOUT 29 YEARS
10. BABY
D/O LATE SRINIVAS
AGED ABOUT 25 YEARS

NO.1 TO 10 ARE RESIDING AT
BELLURU VILLAGE,
NARASAPURA HOBLI,
KOLAR TALUK-563 133

11. M/S. VENKATA INFRA VENTURE
SOLUTION LLP,
REPRESENTED BY RAKESH KUMAR
S/O U. PRAKASH CHAND,
AGED ABOUT 49 YEARS,
R/AT NO 211/73, 54TH CROSS,
4TH BLOCK, RAJAJINAGAR,
BANGALORE-560 010

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR
NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT
ORDER OR DIRECTION THEREBY QUASHING THE ORDER
DATED 15.06.2026, PASSED BY PRINCIPAL SENIOR CIVIL



JUDGE AND CJM AT KOLAR, IN OS NO. 342/2022, PASSED ON IA-17, UNDER ORDER 6 RULE 17 OF CPC READ WITH SECTION 151 OF CPC FOR AMEND THE PLAINT, VIDE ANNEXURE-A, BY ALLOWING THE IA-17, BY ALLOWING THE ABOVE PETITION.

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 dated 15.06.2026 passed in I.A.No.17 in O.S.No.342/2022 by the Principal Senior Civil Judge and CJM, Kolar, the petitioner/plaintiff is before this Court.

2. When the suit was posted for judgment, on the defendants' application, the suit was reopened, and the matter was posted for the defendants' evidence. At that point of time, I.A.No.17 was filed under Order VI Rule 17 read with Section 151 of the CPC, seeking to amend the plaint. Now, by virtue of these pleadings, the petitioner seeks the relief of a declaration that the Sale Deed dated 16.05.2022 is not binding on them, and also a further plea that the property was given to the father by way of a grant, not by way of a Sale Deed.



3. The trial Court, by the impugned order, had rejected I.A.No.17. While dismissing the application, the trial Court observed that the plaintiff sought the relief of declaration that the registered Sale Deed dated 16.05.2022 by defendant No.7 in favour of defendant No.10 was not binding upon the plaintiff. The present suit was filed on 19.07.2022, nearly two months after the alleged registered Sale Deed. The suit is for partition, and the law presumes that the parties are in possession and enjoyment of the property. The present relief sought is for declaration, which obviously relates back to the date of the suit. There is no reason why the said relief was not sought by the plaintiff at the earliest point of time, when all the pleadings were before the Court and within the knowledge of the plaintiff. Therefore, at this belated stage, where the suit has reached to the fag end, the Court, relying upon the provision of Order VI Rule 17 of CPC, cannot permit the plaintiff to amend the plaint. The proposed amendment is neither an arithmetical nor a typographical error which can be considered. It is to fill the laches, and obviously change the nature of the case, which is impermissible under law. It is defendant No.10 who will be put to hardship and inconvenience if the application is allowed.



Therefore, the proposed amendment cannot be permitted at this stage and would not be necessary. Accordingly, the trial Court dismissed the application.

4. Learned counsel appearing for the petitioner/plaintiff submits that allowing these amendments will not change the nature of the suit and will not prejudice the defendants. In fact, the defendants are also entitled to a share in the property, and the trial court ought to have allowed the application.

5. Having heard the learned counsel for the petitioner, perused the material on record. The suit was filed in 2022. It is submitted that the suit was earlier posted for judgment and, on the application filed by the defendants, it is now at the stage of defendants' cross-examination. The plaintiff has come up with this I.A. seeking an amendment by seeking a declaration that the sale deed is not binding on them. This Court has perused the issues framed by the trial Court on 20.02.2023. Issue No.2 is "whether the defendant No.10 would prove that the defendant Nos.7 to 9 have sold the property to the defendant through a registered Sale Deed on 16.05.2022?" Now, the evidence is already complete, and when the matter is posted



for defendants' evidence, the petitioner/plaintiff seeks the relief of a declaration that the same is not binding on the plaintiff. The trial Court has rightly observed that this relief relates back to the date of suit and that there is no due diligence on the part of the plaintiff. The sale deed has been before the Court right from the beginning; it is one of the issues, and seeking a declaration at this point, as rightly observed by the Court, would prejudice defendant No. 10. The application has been rightly dismissed, and this Court finds no reason to interfere. Hence, this Court is passing the following:

ORDER

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

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