



CNR: KAHC010499282026

NC: 2026:KHC:45712
WP No. 22577 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22577 OF 2026 (GM-CPC)

BETWEEN:

SMT.SARASWATHAMMA
AGED ABOUT 78 YEARS
W/O LATE. MUNIYAPPA,
D/O LATE S.G.MUNEGOWDA,
R/AT MAHINDRA NILAY,
NO.15, 1ST CROSS, MODEL COLONY,
KASABA, YESHWANTHAPUR,
BANGALORE-560 022

...PETITIONER

(BY SMT.LATHASHREE D.L., ADVOCATE FOR
SRI. DEEPAK D.C., ADVOCATE)

AND:

1. SRI S.V.SUBBAIAH
S/O LATE SRI APPAJAIAH,
MAJOR.
2. SRI. S.K.RAMACHANDRAIAH,
S/O LATE SRI. S.N. KRISHNASWAMY,
MAJOR
3. SRI. S.K. SUBRAMANYAM,
S/O LATE S.N.KRISHNASWAMY,
MAJOR
4. SRI. S.K.NATARAJ,
S/O LATE SRI. S.N.KRISHNASWAMY,
MAJOR

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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5. SRI. S.K.MANJUNATH,
S/O LATE SRI. S.N.KRISHNASWAMY,
MAJOR
6. SRI. S.K.SUBBBBANNA,
S/O LATE SRI. S.L.KRISHNAPPA,
MAJOR
7. SRI. BALASUBRAMANYAM,
S/O LATE SRI. R.R.SASTRY
MAJOR
8. SRI. CHIKKANARASIMHAIAH
S/O LATE SRI. DODDANARASIMHAIAH,
MAJOR
9. SRI. S. VISHWANATH,
S/O LATE SRI. SESHADRI,
MAJOR
10. SMT. AVALAMMA,
W/O LATE SRI. MUNIYAPPA,
MAJOR
11. SRI. MUNISWAMAPPA,
S/O LATE SRI. MUNIYAPPA,
MAJOR
12. SRI. MARIYAPPA,
S/O LATE SRI. MUNIYAPPA,
MAJOR
13. SRI. KRISHNAPPA,
S/O LATE SRI. MUNIYAPPA,
MAJOR
14. SMT. MEENAKSHAMMA,
W/O LATE SRI. KRISHNASWAMY,
MAJOR



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15. SRI. SATHYAMURTHY,
S/O LATE SRI. KRISHNASWAMY,
MAJOR
16. SRI. S.K. BALASUBRAMANYAM,
S/O LATE SRI. KRISHNASWAMY,
MAJOR
17. SRI. SHAMARAO,
S/O LATE S.KRISHNASWAMY,
MAJOR
18. SRI. KADIRAPPA,
S/O LATE SRI. MUNISWAMAPPA
@MOTAPPA,
MAJOR
19. SRI. MUNIYAPPA,
S/O LATE SRI. MUNISWAMAPPA
@MOTAPPA,
MAJOR
20. SRI. NARASIMHALAH,
S/O LATE SRI. MUNISWAMAPPA
@MOTAPPA,
MAJOR
21. SRI. MANJUNATH,
S/O LATE SRI. RAMASWAMY,
MAJOR
22. SRI. ANANTH,
S/O LATE SRI. VISWANATH,
MAJOR
23. SRI. NAGARAJU,
S/O LATE SRI. VISWANATH,
MAJOR
24. SRI. GOVINDARAJAN,



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S/O LATE SRI. S.RAMASWAMY SASTRY,
MAJOR

RESPONDENTS NO.1 TO 24 ARE
RESIDING AT SIDDAHALLI VILLAGE,
KASABA HOBLI,
DEVANAHALLI TALUK,

REPRESENTED BY THEIR G.P.A.HOLDER
SRI. V.R.PRASANNA VENKATESH
S/O LATE V.S.RAMASWAMY,
MAJOR, NO.68, SHESHA NILAY
36TH MAIN, 4TH A CROSS,
BTM IST STAGE, DOLLAR SCHEME
BANGALORE-560 068

25. SRI. V.R. PRASANNA VENKATESH,
S/O LATE SRI. V.R.RAMA SASTRY
AGED ABOUT 64 YEARS
26. SRI. V.R.RAMESH,
S/O LATE SRI. V.R.RAMASASTRY,
AGED ABOUT 56 YEARS,
RESIDING AT NO.68,
4TH A CROSS, 36TH MAIN,
B.T.M. IST STAGE, DOLLAR SCHEME,
BANGALORE- 560 038
27. CHANDRAPPA SINCE DECEASED
BY HIS LR'S
SHANKARAMMA
W/O NARAYANASWAMY
D/O LATE CHANDRAPPA
AGED ABOUT 35 YEARS,
RESIDING AT SADAHALLI VILLAGE,
KASABA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL – 562 110



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28. SHANTHAMMA
W/O SATHISH
D/O LATE CHANDRAPPA
AGED ABOUT 32 YEARS
RESIDING AT NO.29.B,
HOUSE NO.3, II CROSS,
NAVY LAYOUT,
KIRLOSKAR ATTACHED LAYOUT,
HESARAGHATTA MAIN ROAD,
BENGALURU- 560 090
29. SUBRAMANI
S/O LATE CHANDRAPPA
AGED ABOUT 30 YEARS,
RESIDING AT SADAHALLI VILLAGE,
KASABA HOBLI, DEVANAHALLI TALUK,
BENGALURU RURAL – 562 110
30. M.CHANDRE GOWDA
S/O LATE SRI S.G.MUNEGOWDA
AGED ABOUT 66 YEARS,
AGRICULTURIST
RESIDING AT POOJANAHALLI
KANNAMANGALA POST
KASABA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT

...RESPONDENTS

(BY SRI.S.SUBRAMANYA, ADVOCATE FOR R25
SRI.MALLIKARJUNASWAMY, ADVOCATE FOR R27 TO R29
NOTICE TO R1 TO R24 AND R30 ARE DISPENSED WITH
V/O/D: 18.08.2026)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASHING THE ORDER
DATED 09.07.2026 PASSED ON I.A. NO.34 IN O.S.
NO.2099/2006 BY THE COURT OF THE I ADDITIONAL SENIOR
CIVIL JUDGE AND JMFC, DEVANAHALLI, PRODUCED AT
ANNEXURE-A.



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THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 18.08.2026, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CAV ORDER

Aggrieved by the order dated 09.07.2026 passed on I.A.No.34 in O.S.No.2099/2006 by the I Additional Senior Civil Judge & JMFC, Devanahalli, the petitioner/plaintiff is before this Court.

2. The facts of the case are that respondent No.30 herein has filed a suit seeking relief of declaration and a permanent injunction with respect to the suit schedule properties. Initially, the suit was filed in respect of defendant Nos.1 to 24. The petitioner was subsequently impleaded as a party to the suit as defendant No.27 and filed a written statement. Thereafter, defendant No.27 filed an application seeking to transpose herself as plaintiff No.2 in the suit, as defendant No.27, being the sister of the plaintiff, had a right over the suit schedule property. The said application came to be allowed by order dated 20.02.2016, and defendant No.2 was



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transposed as plaintiff No.2. It is stated that defendant Nos.25 and 26 filed WP No.17684/2026 before this Court seeking a mandamus directing the trial Court to dispose of the suit within a period of six months. The petitioner filed an application under Section 151 of the CPC to treat the written statement dated 17.01.2011 filed by plaintiff No.2 as her plaint to avoid multiplicity of proceedings, unnecessary delay, and duplication of proceedings. Objections were filed only by defendant No.25. The trial Court has rejected the application.

3. While rejecting the application, the trial Court observed that, the application filed by plaintiff No. 2 under Section 151 CPC is hereby rejected, and plaintiff No. 2 is directed to lead evidence, as the suit is for the relief of declaration and permanent injunction. The High Court, in WP No.17684/2026, directed the court to dispose of the matter as expeditiously as possible.

4. Learned counsel appearing on behalf of the petitioner submits that the trial Court has committed a manifest error of jurisdiction in rejecting I.A.No.No.34 without considering the object and scope of Section 151 of the CPC.



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The trial Court has failed to appreciate that the application was filed only to avoid multiplicity of proceedings, duplication of pleadings, and unnecessary procedural formalities. The relief sought was procedural in nature and intended to facilitate effective adjudication of the disputes between the parties. Rejection of such an application defeats the very object underlying the inherent powers of the court. Further, the order is non-speaking and unreasoned order. The learned judge failed to assign any independent reasons as to why the relief sought under Section 151 of the CPC could not be granted. The Court has neither examined the scope of its inherent power nor recorded any finding. It is submitted that the order impugned needs to be set aside.

5. Learned counsel for the petitioner filed a memo seeking dispensation of notice to respondent No.1 to 24 and 30. Accordingly, this Court, by order dated 18.08.2026, dispensed with notice to them, and the notice has been served on the learned counsel representing respondent No.26 before the trial Court. Hence, notice to respondent No.26 is held



sufficient. Vakalath is filed on behalf of respondent No.25 and 27 to 29.

6. Learned counsel appearing for the respondents submits that the court has rightly considered that it is a matter where the High court has directed to decided expeditiously, and as the application filed is only to drag on the proceedings, the court has rightly dismissed the application, and there are no grounds to interfere.

7. Having heard the learned counsel on either side, perused the material on record. Transposition of the defendant as plaintiff No.2 is not merely a mechanical alteration in the cause title. When a defendant is permitted to become a plaintiff, his position in the litigation changes. The purpose of the transposition is to enable the court to determine the real controversy in the pending proceedings rather than drive the party to a separate suit. Once the order permitting transposition has attained finality, the procedural consequences flowing from such transposition must necessarily follow. The Division Bench of this Court in the case of ***Veerabhadrapa and***



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another Vs. Smt. Gangamma and another¹ held that when a defendant is transposed as a plaintiff, the written statement filed by the defendant gets transposed and would form part of the plaint. The original plaint and the written statement of the transposed defendants are required to be read together. The Court further observed that the amendment of the plaint in such circumstances is essentially a matter of convenience and that procedural law is intended to facilitate adjudication. It should not compel duplication of pleadings when the case of the party is already available on record, and the opposite party has had notice of that case from the beginning. The earlier pleadings of the party are already on record, and now, by way of this, they are permitted to be read as the pleadings of the transposed plaintiff. The contesting defendants are entitled to meet the case of the transposed plaintiff. If any additional pleadings become necessary on account of the transposition, reasonable opportunity must be given to them to file an additional statement or statement of objection. In the light of the above discussion, when an application is filed by the

¹ AIR 2003 KAR 348



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transposed plaintiff, the Court ought to have considered the same and ought to have passed the orders in the light of the Division Bench judgment of this Court. In that view of the matter, this Court is passing the following order:

ORDER

- i. The order dated 09.07.2026 passed on I.A.No.34 in O.S.No.2099/2006 by the I Additional Senior Civil Judge and JMFC, Devanahalli is **set aside** and the matter is **remanded back** to the trial Court.
- ii. The trial Court shall consider the case of the petitioner in accordance with law particularly in the light of the judgment in the case of **Veerabhadrapa** referred to *supra* within a period of one week from the date of receipt of copy of the order.
- iii. Accordingly, the writ petition is **allowed**.
- iv. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 2 Sl No.: 1