



CNR: KAHC010510582026

NC: 2026:KHC:46739
WP No. 23386 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE B.PRAMOD

WRIT PETITION NO.23386 OF 2026 (GM-CPC)

BETWEEN:

SMT. NAGARATHNA
W/O. LATE H. S. VENKATESH
AGED ABOUT 67 YEARS
R/AT NO.18, K.N. RAMIAH LAYOUT
K.R. PURAM
BENGALURU-560 043

...PETITIONER

(BY SRI RAVISHANKAR S., ADVOCATE)

AND:

1. SRI MOHAMMED SHAHID AHMED
S/O. MOHAMMED SAYEED AHMEED
AGED ABOUT 54 YEARS
R/AT NO.14, A-1 FALAH BLOSSOM
RESIDENCY HENNUR MAIN ROAD
GEDDADAHALLI
BENGALURU-560 043
2. SRI K. V. NAGENDRA @ DODDA NAGAPPA
AGED ABOUT 55 YEARS
S/O. VENKAT RAMAYA
R/AT KRISHNAYANA PLAYA
KRISHNARAJAPURAM HOBLI
BENGALURU SOUTH TALUK

Digitally signed
by
SHARAD DAVANI
B
Location: HIGH
COURT OF
KARNATAKA





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INDIRANAGAR POST
BENGALURU-560 038

...RESPONDENTS

(BY SRI PRASANNA S., ADVOCATE FOR R-1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER PASSED BY THE VII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-19) IN O.S.NO.1781 OF 2024 ON I.A. NO.6 DATED 30-06-2026 VIDE ANNEXURE-F SO FOR IT RELATES REJECTION OF INCLUSION OF SY. NO.7 IN THE PLEADING AND SCHEDULE AND ALLOW I.A.NO.6 IN TOTO FILED BY THE PETITIONER UNDER ORDER VI RULE 17 CPC BY ALLOWING THIS PETITION IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE B.PRAMOD



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ORAL ORDER

The petitioner – Defendant No. 1 has filed this writ petition challenging the order dated 30.06.2026 passed by the learned VIIth Additional City Civil and Sessions Judge, Bengaluru (CCH-19), in O.S. No. 1781/2024 on IA No. 6, insofar as it relates to the rejection of the inclusion of Sy. No. 7 in the pleading and the schedule of the suit and to the allowance of IA No. 6 in toto.

2. Heard Learned Counsels Sri. Ravishankar for the petitioner and Sri. Prasanna for respondent No. 1. The petitioner's counsel seeks dispensation of notice to respondent No. 2 – defendant No. 2, and the same is dispensed with at the risk of the petitioner.

3. The petitioner submits that the trial court failed to notice that the incorporation of Sy. No. 7 after Sy. No. 13/4 was in terms of the reference made in the sale deed at Annexure-A. That the proposed amendment does not change the nature or cause of action in respect of the defence taken or counterclaim, and that the amendment sought is a pre-trial



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amendment.

4. Learned counsel for respondent No. 1 contends that the plaintiff's right will be affected if the amendment is allowed and the admission made as to the survey number by defendant No. 1 will become inconsequential.

5. The respondent No. 1 – Plaintiff has filed the suit in O.S. No. 1781/2024 praying for a decree of permanent injunction against the defendants and has sought other reliefs. IA No. 6 is filed by defendant No. 1 seeking amendment as per Annexure-D, which was contested by the respondent No. 1 herein, objecting to the amendment on the contention that it would take away his right in terms of the admission made by defendant No. 1.

6. The trial court, after considering the application for amendment, has allowed the application in part and has rejected the application in respect of adding 'and 7' after 13/4. It is noted by the trial court that the sale deed is dated 15.03.1989 and the title deed of defendant No. 1 clearly reveals that only the survey number stated in the schedule is 13/4, and it has observed that Sy. No. 7 was left out due to



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either oversight or typographical error and the petitioner is not entitled to amendment.

7. A perusal of the sale deed produced at Annexure-A to the writ petition at page No. 15 reveals that it is mentioned as 13/4. What is sought by the petitioner is to mention "and Sy. No. 7" in the pleading and in the schedule. The petitioner contends that in the final Order dated 22.07.2025 in M.F.A. No. 226 of 2025 and connected matters, this Court did not interfere with the interim injunctions.

8. On page No. 15 of the writ papers (Annexure-A – Sale Deed), there is mention of "/ & 7" by way of insertion with the initials of the Vendor to the sale deed.

9. This Court applies the well-established principles governing the exercise of supervisory jurisdiction under Article 227 of the Constitution. The power of superintendence is not to be exercised unless there has been an unwarranted assumption of jurisdiction not vested in the court, a gross abuse of jurisdiction, or an unjustifiable refusal to exercise jurisdiction vested in courts or tribunals. It is equally settled that a High Court acting under this Article cannot substitute its own



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judgment in place of the subordinate court to correct an error that is not apparent on the face of the record, nor can it act as a court of first appeal to reappreciate or reweigh evidence and facts upon which the determination under challenge is based. Supervisory jurisdiction is not meant to correct every error of fact or even a legal flaw when the final finding is justified or can be supported.

10. Applying these principles to the present matter, the Court finds that the trial court committed an error in rejecting the application for amendment in part, specifically in disallowing the inclusion of Sy. No. 7 in the pleading and schedule of the suit.

11. The trial court, in its order dated 30.06.2026, observed that the sale deed was dated 15.03.1989 and that the title deed of defendant No. 1 only stated survey number 13/4 in the schedule. Based on this, the trial court found that Sy. No. 7 was left out due to either oversight or typographical error and concluded that the petitioner was not entitled to amendment. In doing so, the trial court failed to properly appreciate the contents of the sale deed which is produced at Annexure-A to



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the writ petition, which on page No. 15 clearly contains the insertion "/" & 7" by way of addition, marked with the initials of the Vendor to the sale deed. The trial court's failure to give due weight to this express reference in the sale deed constitutes an error in the exercise of its jurisdiction.

12. The nature of the amendment sought is pre-trial in character. The guiding principle is that amendment should be allowed when it is necessary for the determination of the real question in controversy and when it does not cause prejudice to the opposite party, provided any prejudice, if any, can be compensated by costs. No party should be defeated solely on account of a clerical or typographical oversight or deficiency in pleadings when the evidence on record demonstrates the true facts. The amendment sought by the petitioner does not change the nature or cause of action, nor does it affect the defense taken or the counterclaim. The trial court's refusal to allow the inclusion of Sy. No. 7, when the sale deed itself makes reference to it, amounts to an unjustifiable exercise of its discretion and constitutes an error warranting intervention under the supervisory jurisdiction of this Court.



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13. In the interest of justice, this writ petition is allowed to the extent of setting aside the impugned order insofar as it relates to the rejection of the inclusion of Sy. No. 7 in the pleading and schedule of the suit. I.A No.6 is allowed in toto. The petitioner is directed to pay a cost of Rs. 20,000/- (Rupees Twenty Thousand only) to the plaintiff on the next date of hearing before the trial court.

14. The respondent No.1- plaintiff is at liberty to take all available contentions in law during the trial.

All contentions of the parties are left open.

The observations made hereinabove are confined solely to the adjudication of the application for amendment.

Order accordingly.

**Sd/-
(B.PRAMOD)
JUDGE**

BSV
List No.: 1 SI No.: 10