



CNR: KAHC010522242018

NC: 2026:KHC:40908
WP No. 54562 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 54562 OF 2018 (GM-CPC)

BETWEEN:

SRI. CHIDANANDA MURTHY. K
S/O. P. KUMARASWAMY,
AGED ABOUT 62 YEARS,
OCC: BUSINESS,
NO.22, PRASIDDI APARTMENT,
GANGAMMA GARDEN,
MALAGALA MAIN ROAD,
2ND STAGE, NAGARABHAVI,
BENGALURU - 560 091.

...PETITIONER

(BY SRI. M.B. CHANDRACHOODA, ADVOCATE)

AND:

1. SRI. P. K. PRABHUDEVA
S/O. LATE P. KUMARASWAMY,
AGED ABOUT 58 YEARS,
R/AT NO. 9, VENKATESHWARA GRUHA NIRMANA
SEVA SANGHA LAYOUT,
WATER TANK ROAD,
BASAVESHWARANAGAR,
BENGALURU - 560 079.
2. SMT. P. KUMARI DEVI
W/O. B.R. RAMACHANDRAPPA,
AGED ABOUT 65 YEARS,
OCC: HOUSE WIFE,

Digitally
signed by
SUNITHA K S
Location:
High Court of
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NO.49, VENKATESHWARA GRUHA
NIRMANA SEVA SANGHA LAYOUT,
WATER TANK ROAD,
BASAVESHWARANAGAR,
BENGALURU - 560 079.

3. SMT. P. K. NALINAKSHI
W/O. K. VEERANNA,
AGED ABOUT 63 YEARS,
OCC: ADVOCATE,
NO.23, 1ST CROSS, S.V.K. LAYOUT,
BASAVESHWARANAGAR,
BENGALURU - 560 079.
4. SMT. P.K. ANUSUYA
W/O. G.R. KALLESHPA,
AGED ABOUT 58 YEARS,
OCC: TEACHER,
"SREE NILAYA",
NEAR SRI RAMA TEMPLE,
KALIDASA ROAD,
HARIHARA - 577 601.
5. SRI. P.K. TRINETRA
S/O. P. KUMARA SWAMY,
AGED ABOUT 60 YEARS,
OCC: ASSISTANT OFFICER,
BEML FACTORY,
KGF, KOLAR - 563 113.
6. SRI. S.R. NAGENDRA
S/O. RAMANNA A.N. SEJKAR,
AGED: MAJOR,
OCC: BUSINESSMAN,
D.NO.74, 1ST FLOOR,



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RAJ ELECTRICALS VASANTHA ROAD,
DAVANAGERE - 577 001.

7. SRI. K. B. SHASHIDHAR
S/O. K.B. BASAVARAJAPPA,
AGED: MAJOR,
OCC: BUSINESSMAN,
D. NO. 641/1A, COLLEGE ROAD,
NITUVALLI NEW EXTENSION,
DAVANAGERE - 577 002.

...RESPONDENTS

(BY SRI. L. NARASIMHA MURTHY, ADVOCATE FOR
SRI. S.A. SUDHINDRA, ADVOCATE FOR R1
R2, R4 TO R7 ARE SERVED AND UNREPRESENTED
VIDE ORDER DATED 03.08.2026,
NOTICE TO R3 IS HELD SUFFICIENT)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 13.08.2018 [WRONGLY SHOWN AS 13.8.2017] PASSED
IN IA NO.10 FILED U/O VI RULE 17 OF CPC, IN
O.S.NO.142/2012 ON THE FILE OF PRINCIPAL CIVIL JUDGE,
DAVANAGERE, VIDE ANNEXURE-J.

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



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CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 13.08.2018 (wrongly shown as 13.08.2017) passed on I.A.No.10 in O.S.No.142/2012 by the Principal Civil Judge, Davangere (hereinafter referred to as the 'trial Court' for short).

2. Heard Sri M.B. Chandrachooda, learned counsel appearing for the petitioner and Sri L. Narasimha Murthy, learned counsel appearing on behalf of Sri S. A. Sudhindra, learned counsel for respondent No.1.

3. Though other respondents are served, they remained unrepresented.

4. The petitioner/plaintiff filed O.S.142/2012 seeking the relief of partition and separate possession of a 1/7th share in the suit schedule properties. In the said suit, the pleadings are completed and the trial Court has framed issues. The plaintiff examined himself as PW-1.



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When the matter was posted for cross-examination of PW-1, the plaintiff filed an application in I.A.No.10 under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short, 'CPC') seeking to amend the plaint. The said application was opposed by defendant Nos.7 and 8. The trial Court, under the impugned order dated 13.08.2018, rejected the application on the ground that the same was filed after the commencement of trial and without due diligence.

5. It is to be noticed that the plaintiff is seeking to amend the plaint insofar as incorporating checkbandhis to Item Nos.2 to 4 of the suit schedule properties. The suit schedule consists of four properties. The plaintiff has already indicated the checkbandhis in respect of Item No.1; however, he could not furnish the checkbandhis in respect of Item Nos.2 to 4 of the suit schedule properties.

6. The proposed amendment, though filed belatedly, would not cause any prejudice to the other side nor would it alter the nature of the suit, the cause of action, or the relief sought. The proposed amendment



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would aid the trial Court in deciding the suit and remove ambiguity with regard to the identification of the properties.

7. In view of the aforesaid reasons, I proceed to pass the following:

ORDER

- i) The writ petition is ***allowed***.
- ii) The impugned order dated 13.08.2018 (wrongly shown as 13.08.2017) passed on I.A.No.10 filed under Order VI Rule 17 of the CPC in O.S.No.142/2012 by the Principal Civil Judge, Davangere, is hereby set aside.
- iii) Consequently, I.A.No.10 filed under Order VI Rule 17 of the CPC filed by the plaintiff seeking amendment of the plaint is allowed.



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- iv) The plaintiff shall file the amended plaint within a period of three weeks from the date of receipt of a copy of this order.
- v) The trial Court shall dispose of the suit as expeditiously as possible.
- vi) The parties shall co-operate for the early disposal of the suit.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

SHS
List No.: 1 Sl No.: 2