



CNR: KAHC010532722026

NC: 2026:KHC:41508
WP No. 24143 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 24143 OF 2026 (GM-CPC)

BETWEEN:

1. BHAGYALAKSHMI C.,
W/O LATE R.NARAYANAPPA
AGED ABOUT 62 YEARS,
2. N.NAGAVENI
D/O R.NARAYANAPPA
AGED ABOUT 43 YEARS,
3. SMT. NANDINI
D/O R.NARAYANAPPA
AGED ABOUT 40 YEARS
4. SMT. SHALINI N.,
D/O R.NARAYANAPPA
AGED ABOUT 33 YEARS,

ALL ARE RESIDING AT
BALAJI NILAYA, 4TH CROSS,
3RD BLOCK, HRBR LAYOUT,
BENGALURU -560 043.

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. A.G.SRIDHAR, ADVOCATE)

AND:

1. LAKSHMI NAGARAJU @ LAKSHMI DEVI
W/O LATE M NAGARAJU
AGED ABOUT 69 YEARS
2. SMT.SABITHA DEVI S.,
W/O KUMAR NAIDU,
AGED ABOUT 54 YEARS,



CNR: KAHC010532722026

NC: 2026:KHC:41508
WP No. 24143 of 2026

3. SRI.RAGHU NAIDU B.R.N
S/O KUMAR NAIDU
AGED ABOUT 38 YEARS
4. SMT.SHRAVANTHI
W/O RAGHU NAIDU B.R.N
AGED ABOUT 35 YEARS

ALL ARE RESIDING AT
HOUSE NO.869, 25TH CROSS,
17TH MAIN ROAD, HSR LAYOUT,
SECTOR 3.
BENGALURU -560 102

...RESPONDENTS

(BY SRI.NAGAIAH, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SETTING-ASIDE THE IMPUGNED ORDER ON I.A.NO.4 UNDER ORDER VI RULE 17 OF CPC AT ANNEXURE-A DATED 07-07-2026 IN O.S.NO.8947/2024, ON THE FILE OF THE HON'BLE XXXI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CONSEQUENTLY DIRECT THE TRIAL COURT TO FRAME THE PROPER ISSUES WITH REGARD TO THE CANCELLATION OF THE WILL DEED DATED 18-10-2024 VIDE ANNEXURE-E.

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 07.07.2026 passed in I.A.No.4 in O.S.No.8947/2024 by the XXXI Additional City Civil and Sessions Judge, Bengaluru, the petitioners/plaintiffs are before this Court.

2. The petitioners herein, who are the plaintiffs, have filed O.S.No.8947/2024 for declaration, partition and



CNR: KAHC010532722026

permanent injunction. In the suit, the plaintiffs have filed I.A.No.IV under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, seeking to amend the plaint by incorporating additional pleadings relating to the Will dated 18.10.2024 and by seeking a declaration that the said Will is not binding on their share in the suit schedule property. The plaintiffs sought to add para No.10-a and a prayer seeking declaration that the cancellation of the Will deed (Registered) dated 18.10.2024, registered on 19.10.2024 at the office of the Sub-Registrar, Shivajinagara (Bidarahalli), Bangalore, is illegal, void and not binding on the plaintiffs, in the interest of justice and equity. That application was dismissed by the trial Court.

3. While dismissing the application, the trial Court observed that the main contention sought to be introduced is that defendant No.1 had no exclusive authority to cancel a Will allegedly executed jointly by herself and late M.Nagaraju, and that the cancellation has no legal effect. Whether defendant No.1 possessed such authority and what the legal consequence of the alleged cancellation are questions for determination on the basis of the evidence adduced and the applicable principles



CNR: KAHC010532722026

of law. These issues do not require any further amendment of the plaint. It was further observed that the essential pleadings are already on record. The proposed amendment neither introduces any material fact absent from the plaint nor enables the Court to adjudicate any issue that cannot otherwise be decided on the basis of the existing pleadings and evidence. On the contrary, permitting the amendment would merely enlarge the pleadings and is likely to delay the disposal of the suit without advancing the real controversy between the parties. Accordingly, the trial Court dismissed the application.

4. Learned counsel appearing for the petitioners/ plaintiffs submits that he has sought to add a paragraph and a prayer. When an application is filed under Order VI Rule 17 of the CPC, not at a belated stage, the trial court ought to have allowed it. Further, the trial Court failed to consider the prejudice caused to the plaintiffs and, without any findings on whether Order VI Rule 17 of the CPC is required or not, went into the merits of the matter. The trial Court cannot dismiss the application.



CNR: KAHC010532722026

**NC: 2026:KHC:41508
WP No. 24143 of 2026**

5. Learned counsel appearing for the respondents/defendants submits that the trial Court had rightly observed that the pleadings are already in the plaint and that the amendment is not required. It is submitted that this application is filed to delay the proceedings, and the trial Court had rightly considered the matter and passed the order, and no interference is called for.

6. Having heard the learned counsel on either side, perused the entire material on record. After the amendment to Order VI Rule 17 of the CPC, if any application seeking amendment is filed, the applicant has to aver and plead that, despite due diligence, these facts could not be brought to the notice of the Court. When it comes to pre-trial amendment, the Court adopts a liberal approach. The suit is filed in the year 2024. While allowing an application seeking amendment of the plaint, the Court would look at whether, by this amendment, the parties are trying to cover up laches, trying to take away an admission already made, or whether it will cause prejudice to the other side. This amendment sought by the petitioner does



NC: 2026:KHC:41508
WP No. 24143 of 2026

CNR: KAHC010532722026

not cause prejudice to the defendants, for the reason that the defendant can always file an additional written statement.

7. In the considered opinion of this Court, the trial Court has adopted a hyper-technical approach, which is not permissible, and has dismissed the application. Hence, this Court is passing the following:

ORDER

- i. The order dated 07.07.2026 passed in I.A.No.4 in O.S.No.8947/2024 by the XXXI Additional City Civil and Sessions Judge, Bengaluru, is **set aside**.
- ii. Consequently, I.A.No.4 is **allowed**.
- iii. Accordingly, the writ petition is **allowed**.
- iv. All I.As. in this petition shall stand closed.

Sd/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 32