



CNR: KAHC010538862026

NC: 2026:KHC:42233
WP No. 24547 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 24547 OF 2026 (GM-CPC)

BETWEEN:

1. MR. GOVINDARAMA
S/O VENKATACHALAIHAH,
AGED ABOUT 46 YEARS,
KOTANAYAKANAHALLI,
KASABA HOBLI, TIPTUR
TALUK, TUMKUR DISTRICT
PIN - 572 201

...PETITIONER

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

AND:

1. MR. GIRISH .N
AGED ABOUT 45 YEARS,
S/O NANJAMARI,
GORAGONDANAHALLI VILLAGE,
TIPTUR TOWN, TUMKUR DISTRICT
PIN - 572 201

...RESPONDENT

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO I. QUASH THE ORDER DATED 03.07.2026 PASSED BY THE HON'BLE COURT OF THE ADDITIONAL CIVIL JUDGE, AT TIPTUR IN THE SUIT O.S.NO.576/2023 ON THE L.A. NO.3 FILED BY PLAINTIFF / RESPONDENT HEREIN UNDER ORDER VI RULE 17 OF CPC AT ANNEXURE-A. AND ETC.,



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THIS WRIT 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 03.07.2026 passed in I.A.No.3 in O.S.No.576/2023 by the Additional Civil Judge, Tiptur, the petitioner/defendant is before this Court.

2. The respondent herein, who is the plaintiff, had filed O.S.No.576/2023 seeking specific performance. After the trial had commenced, the plaintiff had filed I.A.No.3 under Order 6 Rule 17 read with Section 151 of the CPC, seeking permission to amend the plaint. In the legal notice dated 07.10.2023, the total consideration amount was mentioned as Rs.3,00,000/- and the advance amount as Rs.2,00,000/-. However, in the plaint, at page No.1, para No.2, in the 6th line, the total consideration amount was wrongly mentioned as Rs.2,00,000/- instead of Rs.3,00,000/-, and in the 8th line, the advance amount was wrongly mentioned as Rs.1,00,000/- instead of Rs.2,00,000/-. Hence, the plaintiff sought to amend the plaint. That application was allowed by the impugned order.



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3. While allowing the application, the trial Court observed that although the defendant contends that the amendment is intended to fill lacunae, such objection relates to the evidentiary value of the plaintiff's case, which can be tested during trial. Mere amendment of the pleadings, by itself, does not amount to proof of the facts pleaded. The defendant will have full opportunity to file an additional written statement, if necessary, and to further cross-examine the plaintiff on the amended pleadings. Hence, no irreparable prejudice would be caused. Accordingly, the trial Court allowed the application.

4. Learned counsel appearing for the petitioner/defendant submits that after the amendment to Order 6 Rule 17 of the CPC, once the trial commences, unless it is averred and proved that, despite due diligence, these facts were not brought to the notice of the trial Court, the trial Court cannot entertain the amendment. It is submitted that this application is filed only to fill the lacunae in the pleadings, after the plaintiff's witness is cross-examined by the defendant. It is submitted that post-trial amendments, without proof of due diligence, the trial Court ought not to have allowed the application. It is submitted that



the impugned order, which permits the plaintiff to amend the pleadings, would cause lot of hardship to the defendant. It is submitted that the impugned order needs to be set aside. It is submitted that the issues are already framed and the Court fee has been paid as per the earlier amount of Rs.2,00,000/-.

5. Having heard the learned counsel for the petitioner, perused the entire material on record. The suit is filed in the year 2023 and the application was filed after three years. As rightly submitted by the learned counsel for the petitioner, it is not explained why the plaintiff has not sought this amendment at the earliest point of time, and there are lapses on the part of the plaintiff. However, this Court cannot lose sight of the fact that this is not an afterthought, as before the institution of the suit they had already issued a legal notice. In the legal notice, it is clearly stated that the total consideration is Rs.3,00,000/- and the advance amount is Rs.2,00,000/-, whereas in the plaint it is mentioned as Rs.2,00,000/- and Rs.1,00,000/-, and at best it is a typographical mistake. The trial Court, while allowing an application seeking amendment of the pleadings, has to look at the substantial interest of the parties and the prejudice caused



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to the defendant. In the considered opinion of this Court, it does not cause any prejudice to the defendant, and, as observed by the trial Court, the defendant will get an opportunity to file the additional written statement, and the burden lies on the plaintiff to prove the same. In that view of the matter, this Court finds no reason to interfere. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. This Court has not expressed any opinion on the merits of the matter.
- iii. All the contentions are left open to the parties.
- iv. All I.As. in this petition shall stand closed.

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