



CNR: KAHC010540542026

NC: 2026:KHC:42441
WP No. 24904 of 2026

**IN THE HIGH COURT OF KARNATAKA AT
BENGALURU**

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI
WRIT PETITION NO.24904 OF 2026 (GM-CPC)

BETWEEN:

SMT. K.R. GAYATHRI,
AGED ABOUT 79 YEARS,
W/O LATE SRI RAMACHANDRA K. @ RAMANNA,
R/AT NO.23, RANGA RAO ROAD,
SHANKARAPURAM,
BASAVANAGUDI,
BENGALURU – 560 004.

...PETITIONER

(BY SRI. KRISHNA S VYAS, ADVOCATE)

AND:

1. SMT. SUDHAMANI,
AGED ABOUT 58 YEARS,
W/O LATE SRI. K. BALAJI,
R/AT NO.23, OLD NO.19,
FIRST FLOOR, RANGA RAO ROAD,
SHANKARAPURAM,
BENGALURU – 560 004.
2. SRI. B. NAVEEN,
AGED ABOUT 35 YEARS,
S/O LATE SRI. K. BALAJI,
R/AT NO.23, OLD NO.19,
FIRST FLOOR, RANGA RAO ROAD,
SHANKARAPURAM,
BENGALURU – 560 004.

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Location:
HIGH COURT
OF
KARNATAKA



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3. SRI. B. PRAVEEN,
AGED ABOUT 33 YEARS,
S/O LATE SRI. K. BALAJI,
R/AT NO.23, OLD NO.19,
FIRST FLOOR, RANGA RAO ROAD,
SHANKARAPURAM,
BENGALURU – 560 004.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE COMMON ORDER DATED 21.01.2026 PASSED IN O.S NO.25969/2013 BY THE LXXII ADDITIONAL CITY CIVIL & SESSIONS JUDGE, MAYO HALL UNIT, BENGALURU (CCH-73), INSOFAR AS IT REJECTS I.A.NO.5/2025 UNDER ORDER VI RULE 17 READ WITH SECTION 151 CPC, PRODUCED AT ANNEXURE-L AND ETC

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 21.01.2026 passed on I.A.Nos.5 & 6 of 2025 under Order VI Rule 17 CPC and under Order I Rule 10(2) CPC in O.S.No.25969/2013 by the LXXII Addl. City Civil & Sessions Judge, Bengaluru, the petitioner is before this Court .

2. Petitioner before this Court is the LR of the plaintiff, and the suit is for partition. By way of amendment, the



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plaintiff seeks to insert a prayer that the judgment and decree passed by the trial Court in SC No.75/2012, dated 20.03.2023, is not binding on them, and the second prayer is to declare that the Sale Deed dated 14.07.2000, executed by the defendant, is not binding on them, and to implead the purchasers as defendants to the suit. That came to be dismissed by the impugned order.

3. While dismissing the application, the trial Court has extensively dealt with the matter and observed that the small cause suit was disposed of on 20.03.2023. The wife is also a party to the said proceeding, and they have already challenged it by filing a CRP. Now, by virtue of this amendment, they seek to have the judgment and decree in the said suit not binding on them. The Court has held that the LRs of the plaintiffs, who are parties to the proceedings and are now pursuing the CRP, cannot seek the said relief. As per the Sale Deed dated 14.07.2000, the trial Court has observed that, in fact, the defendants in the small causes suit filed their written statement, in which they mentioned all these transactions, which were very much in the notice of the present petitioner,



i.e., the wife, and also in the notice of the original plaintiff, i.e., the husband. From 2014, no steps were taken, and now, in 2025-26, the present applications are filed.

4. The Court has also observed that this document is marked in S.C.No.75/2012 as Ex.D6, i.e., on behalf of the defendants. The wife of the original plaintiff, who was later impleaded as the LR, had knowledge of the said document. Now, after these many years, they are coming up with this application, and the Court found that there was no due diligence on the part of the LRs. Further, the Court has observed that the plaintiff led his evidence on 19.09.2019 and was examined at length. Further, it is clear from the order sheet that PW.1 was not cross-examined many times, and then his cross-examination was taken as nil. Thereafter, evidence to the defendant was led, and then again the learned counsel for the plaintiff filed I.A.No.1/2023 for amendment of the plaint, and the said application came to be dismissed on 31.10.2023, wherein he claimed that he had perfected his title over the suit property by adverse possession. But the said application was dismissed by the Court, holding that the plaintiff had failed to



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establish, and despite due diligence, he was unable to bring the said fact before the commencement of the trial and the suit of the year 2013, and the matter was set down for cross-examination of DW.1. Thereafter, the counsel for the plaintiff filed I. A.No.4/2023 and I.A.No.5/2023 to reopen the case and recall DW.1 for further cross-examination, as the plaintiff had not cross- examined DW.1. However, both the applications were allowed, and thereafter the plaintiff was reported to be dead, and his LRs were brought on record. Even though DW.1 was recalled for cross-examination, the learned counsel for the plaintiff has not at all cross-examined DW.1 in spite of sufficient opportunities and has ultimately filed the present application for amendment of the plaint and impleading of the additional defendants. The trial Court, considering all these aspects, has rejected both applications. Aggrieved thereby, the petitioner is before this Court.

5. Learned counsel for the petitioner submits that the amendment sought by the plaintiff is essential for deciding the dispute between the parties. According to him, the judgment and decree passed in S.C.No.75/2012 is beyond the power



conferred on the said Court, and, as such, a declaration that the said judgment is null and void has been sought. Further, the plaintiff is the LR of the deceased. If the other prayer, regarding the declaration of the sale deed dated 14.07.2000 as null and void, is allowed by the trial Court, it is a matter of evidence, and the burden lies on him to prove. It is further submitted that it is a suit for partition, and in a suit for partition, that kind of strict interpretation of Order VI Rule 17 CPC cannot be gone into by the Court. If this amendment is allowed, no prejudice would be caused to the defendants. All these aspects were not considered by the trial Court.

6. Having heard the learned counsel for the petitioner, perused the material on record. By way of amendment to the plaint, the petitioner sought to insert two prayers, namely, that the judgment passed by the Court in S.C. No. 75/2012 dated 20.03.2023 is null and void, and that the sale deed dated 14.07.2000 is illegal and not binding on the plaintiff, and to implead the purchasers by way of the sale deed dated 14.07.2000 as defendants to the suit.



7. Coming to the first prayer that the judgment in SC No.75 of 2012 is null and void, the wife is a party to SC No.75 of 2012. A party to the proceedings has already questioned the judgment and decree by filing a CRP, which is pending consideration before this Court. A party to the proceedings who has availed the remedy before the Appellate Court cannot seek relief that the said judgment and decree is null and void. The Court has rightly considered and rightly rejected the same.

8. The second prayer is that they sought an amendment stating that the Sale Deed dated 14.07.2000 is not binding on them. The Court observed that this document was produced by the defendant in the suit, i.e., S.C No.75/2012, and marked as Ex.D6, from the side of the defendants who are the plaintiffs in the present suit, and that the petitioner, who is before the Court as LR, the wife of the deceased, is also a party to that. This makes it very clear that this was in their knowledge when the suit was pending, and in those circumstances, the reason for filing this application seeking an amendment in the year 2025-26 is not found. There is no due diligence on the part of the plaintiff, and the contention put



forth by the petitioner cannot be appreciated. As observed by the Court, the manner in which the plaintiff has dragged on the proceedings and the manner in which the applications are filed make it clear that the applications are filed one after the other only for the purpose of dragging on the proceedings. This Court does not find any reason to interfere with the impugned order. Accordingly, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. This Court has not expressed anything on the merits of the matter.
- iii. The trial Court shall proceed with the matter in accordance with law.
- iv. All pending I.As., in the writ petition shall stand closed

Sd/-
(LALITHA KANNEGANTI)
JUDGE