IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 21ST DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.15185 OF 2020 (GM-CPC)

BETWEEN:

PUTTEGOWDA
@ KULLA PUTTEGOWDA
S/O. LATE. NINGEGOWDA,
AGED ABOUT 70 YEARS,
R/O. SANTHEMOLA,
YELWALA, MYSORE TALUK,
MYSORE DISTRICT 570001.

...PETITIONER

(BY SRI.VIVEKANANDA T P, ADVOCATE)

AND:

PUTTEGOWDA
AGED ABOUT 76 YEARS,
S/O. LATE. BYREGOWDA,
R/O. YELWALA,
MYSORE TALUK,
MYOSRE DISTRICT 570001.

... RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 20.10.2020 ON I.A.NO.1/2019 IN O.S.NO.812/2014 PASSED BY THE SECOND ADDITIONAL CIVIL JUDGE (JR.DN) AND JMFC AT MYSORE AT ANNEXURE-F AND ETC.,

THIS PETITION COMING ON FOR *ORDERS* THIS DAY THROUGH PHYSICAL HEARING, THE COURT MADE THE FOLLOWING:-

ORDER

Petitioner being the defendant in a declaratory suit in O.S.No.812/2011 is at the door steps of Writ Court for assailing the order dated 20.10.2020 a copy whereof is at Annexure-A whereby the learned II Additional Civil Judge, Mysuru, having favorued respondent-plaintiff's application in IA No.1/2019 filed under Order VI Rule 17 r/w Section 151 of CPC, 1908, has accorded leave to amend the plaint.

Having heard the learned counsel for the petitioner and having perused the petition papers, this Court declines to grant indulgence in the matter inasmuch as, the petitioner has got a deferred alternate remedy in the sense, that he can make the impugned order one of the grounds for laying a challenge to the judgment & decree if & when made adverse to his interest.

All contentions in this regard are kept open.

Sd/-
JUDGE

Bsv