HC-KAR

NC: 2026:KHC:60360
WP No. 15561 of 2025

CNR: KAHC010303582025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 15561 OF 2025 (GM-CPC)

BETWEEN:

1. SRI. SUNDARESHAIAH,
   SON OF LATE K.B. RUDRAIAH,
   AGED ABOUT 64 YEARS

2. SRI. DAYANANDA,
   SON OF LATE K.B. RUDRAIAH,
   AGED ABOUT 61 YEARS

3. SRI. MOHAN,
   SON OF LATE K.B. RUDRAIAH,
   AGED ABOUT 59 YEARS

4. SRI. PRABHU @ K.R. LINGA PRABHUDEV
   SON OF LATE K.B. RUDRAIAH,
   AGED ABOUT 55 YEARS
   ALL ARE RESIDING AT KETHOHALLI,
   THAVAREKERE HOBLI,
   BENGALURU SOUTH TALUK - 562 130.

...PETITIONERS

(BY SRI. T.N. VISWANATHA, ADVOCATE)

AND:

1. SRI. LOKESH,
   SON OF PANCHAKSHARI,

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AGED ABOUT 41 YEARS,
RESIDING AT KETHOHALLI VILLAGE,
THAVAREKERE HOBLI,
BENGALURU SOUTH TALUK - 562 130.

2. SMT. JAGADAMBA,
WIFE OF JAYANNA,
DAUGHTER OF LATE NANJUNDAPPA,
AGED ABOUT 70 YEARS,
RESIDING AT PALANAHALLI VILLAGE,
SOLUR VILLAGE, MAGADI HOBLI - 562 127.

3. SMT. SUSHEELAMMA,
DAUGHTER OF LATE NANJUNDAPPA,
WIFE OF SRI REVANASIDDAIAH,
AGED ABOUT 68 YEARS,
BANDEMATT (KANCHUGAL)
SOLUR HOBLI, MAGADI TALUK - 562 127.

4. SRI. K.N. PANCHAKSHARAIAH,
SON OF LATE NANJUNDAAPPA,
AGED ABOUT 75 YEARS,
RESIDING AT KETHOHALLI VILLAGE,
THAVAREKERE HOBLI,
BENGALURU SOUTH TALUK - 562 130.

5. SRI. BASAVARAJU,
SON OF LATE SHIVARUDRAIAH,
AGED ABOUT 53 YEARS,
RESIDING AT DODDERI VILLAGE,
THYAMAGONDLU HOBLI,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT - 562 132.

6. SMT. BHAGYAMMA,
WIFE OF SRI MAHANTHESHAIAH,
AGED ABOUT 60 YEARS,
RESIDING AT KADARANAHALLI VILLAGE,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK - 562 162.

7. SMT. SUMANGALA,
WIFE OF SRI SIDDAGANGAIAH,
AGED ABOUT 59 YEARS,
RESIDING AT SHANUBHOGANAHALLI VILLAGE,
KASABA HOBLI, MAGADI TALUK - 562 130.

8. SRI. PANCHAKSHARAIAH,
SON OF LATE SHIVARUDRAIAH,
AGED ABOUT 57 YEARS,
RESIDING AT KETHOHALLI VILLAGE,
THAVAREKERE HOBLI,
BENGALURU SOUTH TALUK - 562 130.

9. SRI. KUMARASWAMY,
SON OF LATE SHIVARUDRAIAH,
AGED ABOUT 53 YEARS
RESIDING AT KETHOHALLI VILLAGE,
THAVAREKERE HOBLI,
BENGALURU SOUTH TALUK - 562 130.

10. SRI. ESHWARAIAH
SON OF LATE SHIVARUDRAIAH,
AGED ABOUT.48 YEARS,
RESIDING AT KETHOHALLI VILLAGE,
THAVAREKERE HOBLI,
BENGALURU SOUTH TALUK - 562 130.

11. SRI. BHADRESHAIAH,
SON OF LATE SHIVARUDRAIAH,
AGED ABOUT 44 YEARS,
RESIDING AT KETHOHALLI VILLAGE,
THAVAREKERE HOBLI - 562 130.

12. SMT. GANGAMBIKA,
DAUGHTER OF LATE SHIVARUDRAIAH,
WIFE OF BASANNA,
AGED ABOUT 42 YEARS,
RESIDING AT KANANURU VILLAGE(MATT),
KADUR HOBLI, MAGADI TALUK - 562 130.

13. SMT. SHARVANAMMA,
WIFE OF LATE SADASHIVA MURTHY,
AGED ABOUT 79 YEARS,
RESIDING AT GULYA VILLAGE,
MADHURE HOBLI, DODDABALLAPURA TALUK,
BENGALURU SOUTH TALUK.

14. SRI. H.K. KUMARAIAH,
SON OF SRI. KEMPASIDDAIAH,
AGED ABOUT 73 YEARS

15. SRI H.K. PALAKSHA,
SON OF SRI K.H. KUMARAIAH,
AGED ABOUT 43 YEARS

16. SRI K.H. MAHESH,
SON OF SRI K.H. KUMARAIAH,
AGED ABOUT 39 YEARS

17. SRI. SHIVAPRAKASH,
SON OF SRI K.H. KUMARAIAH,

AGED ABOUT 28 YEARS
RESPONDENTS NO.14 TO 17 ARE
RESIDING AT ARALUR VILLAGE,
KYATHSANDRA HOBLI,
TUMKUR TALUK AND DISTRICT - 572 104.

18. SRI. K.N. BASAVARAJAIAH,
SON OF LATE NANJUNDAPPA @ NANJAPPA
AGED ABOUT 68 YEARS,
RESIDING AT NO.132, NGF BADAVANE,
NRUPATHUNGA NAGAR, NAGARABHAVI,
BENGALURU - 560 072.

19. SRI K.N. JAYANNA,
SON OF LATE NANJUNDAPPA @ NANJAPPA,
AGED ABOUT 53 YEARS,
RESIDING AT JAYANAGAR EAST,
5TH MAIN ROAD, JANANI VILASA,
TUMKUR - 572 104.

20. SMT. SUNANDAMMA
WIFE OF LATE SHIVASHANKARAIAH,
AGED ABOUT 76 YEARS,
RESIDING AT KETHOHALLI VILLAGE,
THAVAREKERE HOBLI,
BENGALURU SOUTH TALUK - 562 130.

21. SMT. GOWRAMMA,
WIFE OF PANCHAKSHARI,
AGED ABOUT 55 YEARS,
RESIDING AT BHUVANESHWARI NAGAR,
AMMA SCHOOL ROAD, KENGERI,
BENGALURU - 560 060.

22. SRI. BASAVARAJU,
SON OF SHIVASHANKARALAH,
AGED ABOUT 54 YEARS,
RESIDING AT KETHOHALLI VILLAGE,
THAVAREKERE HOBLI,
BENGALURU SOUTH TALUK- 562 130.

23. SMT. KAVITHA,
WIFE OF SHIVARAJU,
AGED ABOUT 53 YEARS,
RESIDING AT MADANAYAKANAHALLI,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK - 562 162.

24. SMT. SARITHA,
DAUGHTER OF SHIVASHANKARAIAH,
AGED ABOUT 46 YEARS,
RESIDING AT BASAVAGANGOTHRI,
KUMBALAGODU, KENGERI HOBLI,
BENGALURU SOUTH TALUK - 560 060

25. SRI. SOMASHEKHARA,
SON OF LATE SHIVANNA,
AGED ABOUT 63 YEARS,

26. SRI. VISWANATH,
SON OF LATE SHIVANNA,
AGED ABOUT 55 YEARS

27. SRI. RENUKAPPA,
SON OF LATE SHIVANNA,
AGED ABOUT 52 YEARS

RESPONDENTS 25 TO 27 ARE
RESIDING AT KETHOHALLI VILLAGE,
THAVAREKERE HOBLI,
BENGALURU SOUTH TALUK - 562 130.

28. SRI. NAGARAJA,
SON OF LATE SHIVANNA,
AGED ABOUT 68 YEARS,
RESIDING AT TATTEKERE VILLAGE,
SOLUR HOBLI, MAGADI TALUK - 562 127.

29. SMT. NEELAMMA,
DAUGHTER OF LATE SHIVANNA,
AGED ABOUT 70 YEARS, R
ESIDING AT UPPENAHALLI, SOLUR HOBLI,
MAGADI TALUK - 562 127.

30. SMT. BHADRAMMA,
WIFE OF SRI BASAVARAJU,
AGED ABOUT 63 YEARS,
RESIDING AT KARIMANYU, KASABA HOBLI,
NELAMANGALA TQ.- 562 123.

31. SMT. GOWRAMMA,
WIFE OF LATE SIDDANNA
AGED ABOUT 85 YEARS
RESIDING AT SULAKERE
KENGERI HOBLI,
BENGALURU SOUTH TALUK -560 060

32. SRI SIDDAGANGAIAH,
SON OF LATE SIDDAPPA,
AGED ABOUT 70 YEARS,
RESIDING AT ANCHEPALYA,

DASANAPURA HOBLI,
BENGALURU NORTH TALUK - 562 162

33. SRI. GANGANNA,
HUSBAND OF GANGAMMA,
AGED ABOUT 85 YEARS

34. SRI. RUDRESH,
SON OF GANGAMMA,
AGED ABOUT 55 YEARS

35. SRI. REVANA SIDDAIAH,
SON OF NANJAMMA,
AGED ABOUT 75 YEARS

RESPONDENTS 33 TO 35 ARE
RESIDING AT BANDEMATHA,
SOLUR HOBLI, MAGADI TALUK - 562 127.

…RESPONDENTS

(NOTICE TO RESPONDENTS IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI BY QUASHING THE IMPUGNED ORDER DATED 15.01.2025 PASSED ON IA FILED UNDER ORDER 6 RULE 17 OF CPC AND UNDER SECTION 153 OF CODE OF CIVIL PROCEDURE PASSED IN O.S. 57/1989 ON THE FILE OF THE PRINCIPLE CIVIL JUDGE AND JMFC, MAGADI VIDE ANNEXURE-G AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The petitioner has called in question the order dated 15.01.2025 passed in O.S. No.57/1989 by the Principal Civil Judge and JMFC, Magadi, whereby the application filed under Order VI Rule 17 read with section 152 and 153 of the Code of Civil Procedure, 1908, seeking amendment of the plaint, came to be rejected.

2. Learned counsel appearing for the petitioner submits that the application was filed seeking correction of the name of defendant No.5 in the suit in accordance with the official records, namely, the Aadhaar Card. It is submitted that defendant No.5 in O.S. No.57/1989 has been described as 'Prasad, son of late K.B. Rudraiah', whereas, in R.A. No.247/2014, the very same person, who is arrayed as appellant No.4, has been described as 'Prabhu, son of late K.B. Rudraiah'.

2.1 Learned counsel further submits that, challenging the judgment and decree passed in the aforesaid proceedings, the petitioner has preferred R.S.A. No.554/2024 before this Court. The Registry has raised an objection regarding the discrepancy

in the description of defendant No.5 in O.S. No.57/1989 and appellant No.4 in R.A. No.247/2014, particularly with regard to the correct name of the said person.

2.2 It is contended that, as evidenced by the Aadhaar Card, the correct name of the said person is 'K.R. Linga Prabhudev'. The application seeking amendment was filed solely to rectify the discrepancy in the description of one of the parties and to bring the pleadings in conformity with the official records. However, the Trial Court, on hypertechnical grounds, rejected the application, thereby perpetuating an error in the description of the party concerned.

3. Considered the submissions made by learned counsel appearing for the petitioner.

4. The petitioner has filed a memo seeking dispensation of notice to the respondents. The said memo is accepted, and accordingly, issuance of notice to the respondents is dispensed with.

5. It is relevant to note that defendant No.5 in O.S. No.57/1989 has been described as 'Prasad, son of late K.B.

Rudraiah', whereas the very same person has been described as 'Prabhu, son of late K.B. Rudraiah' in R.A. No.247/2014, wherein he is arrayed as appellant No.4.

6. The Aadhaar Card produced along with the writ petition at Annexure-E discloses the name of the person concerned as 'K.R. Linga Prabhudev, son of late Rudrappa'.

7. In the facts and circumstances of the case, this Court finds no impediment to permitting the petitioner to carry out the proposed amendment so as to bring the description of the said party in conformity with the name reflected in the Aadhaar Card produced at Annexure-E. The proposed amendment appears to be intended to correct the description of an existing party and does not, on the face of the material placed before this Court, seek to implead a new party to the proceedings.

8. However, it is made clear that the permission granted herein is confined to the correction of the name and description of the party concerned. In the event of any dispute arising with regard to the identity of the person described in the respective pleadings, judgments and decrees, either party is at liberty to

raise such a contention in the pending R.S.A. No.554/2024. Any such issue shall be considered independently and in accordance with law.

9. In that view of the matter, the following:

O R D E R

I. The writ petition is ***allowed***.

II. The impugned order dated 15.01.2025 passed in O.S. No.57/1989 is hereby ***set aside***.

III. The application filed by the petitioner under Order VI Rule 17 read with Section 152 and 153 of the Code of Civil Procedure, 1908, is ***allowed***, permitting the petitioner to carry out the amendment as prayed for.

IV. The Trial Court is directed to permit the petitioner to carry out the necessary amendment to the plaint.

V. Upon carrying out the amendment, the respective Courts shall make consequential corrections in the judgments and decrees passed in O.S.

No.57/1989 and R.A. No.247/2014, so as to bring the description of the party concerned in conformity with the amended pleadings.

VI. It is made clear that the question of identity of the person concerned, if disputed, is left open to be adjudicated in the R.S.A. No.554/2024 in accordance with law.

Sd/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 1 Sl No.: 1