HC-KAR

NC: 2026:KHC:61874
WP No. 30644 of 2026

CNR: KAHC010669432026

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

**DATED THIS THE 5TH DAY OF NOVEMBER, 2026**

**BEFORE**

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

**WRIT PETITION NO. 30644 OF 2026 (GM-CPC)**

**BETWEEN:**

1. SRI. DEVARAJ. F
   S/O. FRANCIS,
   AGED ABOUT 42 YEARS,
   RESIDING AT NO.30,
   STANDAGE ROAD, NEAR ANNASWAMY SCHOOL,
   FRAZER TOWN, BENGALURU-560005.

...PETITIONER

(BY SRI M.B.CHANDRA CHOODA, ADVOCATE)

**AND:**

1. RAO BAHADUR B.P ANNASWAMY MUDALIAR
   C.I.ES PUBLIC CHARITIES
   A CHARITABLE TRUST HAVING
   ITS OFFICE AT NO.59,
   MOORE ROAD, FRAZER TOWN,
   BENGALURU-560005.
   REPRESENTED BY ITS PRESIDENT
   DR. B.A.ANANTHARAM AND
   SECRETARY
   ASHRITHA A.HATTANGADI

...RESPONDENT

(BY SRI K. ARUN KUMAR, SENIOR COUNSEL FOR
SRI M.V. SUNDARARAMAN, ADVOCATE FOR C/R)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 28.07.2026 PASSED ON I.A FILED UNDER ORDER 6 RULE 17 OF CPC IN S.C NO.282/2025 ON THE FILE OF 19TH ADDITIONAL SMALL CAUSES JUDGE AND ACJM AT BENGALURU VIDE ANNEXURE-E IN SO FAR IT RELATES TO EJECTION OF THE APPLICATION BY ISSUE OF WRIT OF CERTIORARI.

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**

1. This petition is filed impugning the order dated 28.07.2026, whereby the application filed under Order VI Rule 17 of the CPC has been partly allowed, permitting amendment of the written statement in respect of paragraph Nos. 12(a) and 12(b), while refusing the amendment in respect of paragraph No. 12(c).

2. Learned counsel appearing for the petitioner submits that S.C.No.43/2023 was instituted by the respondent herein against one Sri. Srinivasan, in which a counsel, claiming to

have vakalath and instructions on behalf of the petitioner herein, filed an application for impleadment as defendant No.2, claiming to be the tenant in respect of the suit schedule property. It is submitted that, pursuant to the said impleadment, the present case in S.C.No.282/2025 came to be filed against the petitioner as a tenant. It is further submitted that the petitioner is the owner of the suit schedule property and that the plaintiff, in collusion with the counsel who has since been debarred from practice, is attempting to set up a case of tenancy by resorting to forgery. It is contended that, in order to establish that the petitioner is not a tenant but the owner of the suit schedule property, the aforesaid facts are necessary.

3. Per contra, learned Senior Counsel appearing for the respondent on caveat submits that the amendment sought to be introduced by way of paragraph No.12(c) is wholly unconnected with the cause of action pleaded in S.C.No.282/2025. It is submitted that the grievance sought to be introduced through paragraph No.12(c) is against the

advocate who is alleged to have forged the signature of the petitioner and filed an application for impleadment in S.C.No.43/2023, claiming to be the tenant. Learned Senior Counsel submits that, if the petitioner has any grievance against the aforesaid conduct of the counsel, independent proceedings are maintainable, and the same has no bearing on or connection with the issues involved in the present suit.

4. Considered the submissions made by the learned counsel for the parties and perused the material on record.

5. The respondent has instituted S.C.No.282/2025 seeking a direction to the defendant, i.e., the petitioner herein, to quit and deliver vacant possession of the suit schedule property and also for mesne profits. The petitioner has filed the written statement. Subsequently, an application was filed seeking amendment of the written statement to introduce a plea of ownership in respect of the suit schedule property. The said application was filed at the stage of recording of evidence. The Trial Court, taking a lenient view, permitted the amendment of paragraph Nos.12(a) and

12(b), but rejected the amendment sought by way of paragraph No.12(c) on the ground that the same was not necessary for deciding the real question in controversy.

5.1 To examine the correctness of the findings of the Trial Court, this Court has also perused the amendment sought to be introduced by way of paragraph No.12(c). The said paragraph contains allegations against the learned counsel, viz., Sri. S. A. Ahmead, who is stated to have been suspended by the Bar Council of Karnataka for professional misconduct and who is alleged to have filed the Vakalath and an application for impleadment in S.C.No.43/2023. Whether the said counsel had filed an application for impleadment of the petitioner in S.C.No.43/2023; whether such Vakalath was filed with or without authorization; and whether the Vakalath was bona fide executed or was fabricated or forged, are matters giving rise to a distinct cause of action for the petitioner, as rightly observed by the Trial Court. Such averments are not necessary for adjudication of the dispute

involved in the present proceedings. This Court finds no error or infirmity in the order passed by the Trial Court.

6. Accordingly, writ petition is ***dismissed***.

**SD/-**
**(K. V. ARAVIND)**
**JUDGE**

VP