HC-KAR

NC: 2026:KHC:61875
WP No. 31650 of 2026

CNR: KAHC010696432026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 31650 OF 2026 (GM-CPC)

BETWEEN:

1. SRI DEVANANDA M
   S/O LATE S. MARISHAMAPPA
   AGED ABOUT 69 YEARS,

2. SMT. MANJULA
   W/O. M. DEVANANDA,
   AGED ABOUT 56 YEARS,

3. SRI. ARJUN D.,
   S/O. DEVANANDA
   AGED ABOUT 30 YEARS,

   ALL ARE RESIDING AT HUSKUR VILLAGE,
   BIDARAHALLI HOBLI, BENGALURU EAST TALUK,
   VIRGONAGAR POST, BENGALURU - 560 049.

...PETITIONERS

(BY SRI. ARUN K.S., ADVOCATE)

AND:

1. SMT. M. LALITHAMMA
   D/O LATE MARISHAMAPPA

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

W/O MUNEGOWDA
AGED ABOUT 58 YEARS
R/A THAYADANAHALLI, SRIRAMPURA POST,
CHIKKABALLAPURA TALUK AND
DISTRICT- 562 103.

2. SMT. M. MAMATHA
D/O LATE MARISHAMAPPA
W/O LATE RAMAJINAPPA
AGED ABOUT 53 YEARS,
LAKONDANAHALLI, KASABAHOBLI
HOSKOTE TALUK,
BENGALURU RURAL DISTRICT - 562 114.

3. SMT. M. KAVITHA
D/O LATE MARISHAMAPPA
W/O CHANDRA SHEKAR,
AGED ABOUT 47 YEARS
R/O CHIKKANAHALLI VILLAGE,
HAROHALLI GRAMAPANCHAYATH,
VIJAYAPURA HOBLI, DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 135.

4. SMT. BHAVANA
W/O VISHAL
AGED ABOUT 32 YEARS,
R/AT DIY- DAKSHA VILLA,
WEST KADUNGALLOR, ALUVA,
KERALA - 683 110.

5. M/S ANJANADRI BUILDERS AND DEVELOPERS
A REGD. PARTNERSHIP FIRM,
REGD, UNDER INDIAN PARTNERSHIP ACT,
HAVING ITS REGD. OFFICE AT NO.3,
15 CROSS, OLD POST OFFICE ROAD,

RAMAMURTHY NAGARY
BENGALURU - 560 016.

6. SMT. K. MALINI
W/O M.R SHIVAKUMAR
AGED ABOUT 55 YEARS
R/O NO.25, KARNA SREE POINT,
ANANDNAGAR, MARATHAHALLI RING ROAD,
BENGALORE - 560 037.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 16.02.2022 AS PER ANNEXURE-D, PASSED IN O.S. NO. 282/2022, PENDING ON THE FILE OF LEARNED IV ADDITIONAL CIVIL JUDGE BANGALORE RURAL DISTRICT AND THEREBY ORDER TO DISMISS THE INTERLOCUTORY APPLICATION FOR AMENDMENT FILED UNDER ORDER 6 RULE 17 OF CPC AS PER ANNEXURE-C 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 present petition assails the order dated 16.02.2026, whereby the Trial Court allowed the application filed under Order VI Rule 17 of the CPC and permitted amendment of the plaint.

2. Learned counsel appearing for the petitioners submits that the suit was instituted on 04.02.2022 seeking declaratory reliefs along with partition. It is contended that the amendment permitted by the Trial Court would alter the nature of the suit. It is further submitted that the prayers sought to be introduced by way of amendment are barred by limitation and that such time-barred reliefs cannot be permitted to be incorporated by way of an amendment.

2.1 It is further submitted that, at the time of filing the application seeking amendment, the suit had reached the stage of plaintiffs' evidence. No satisfactory reasons have been assigned to explain why the proposed amendment could not have been sought at the earliest point of time.

3. Considered the submissions made by the learned counsel for the petitioners and perused the impugned order and material on record.

4. The suit is one for partition and declaratory reliefs. The amendment sought relates to a prayer for a declaration that the sale deed dated 09.10.2007 is not binding on the plaintiffs' share. The plaint contains averments with reference to the said document; however, no specific prayer in that regard was originally sought. The suit itself is one for partition and declaration. Therefore, the amendment permitted by the Trial Court would neither change nor alter the nature of the suit.

5. The application seeking amendment was filed before commencement of the trial. It is a settled principle of law that amendments to pleadings are to be considered liberally, if they are necessary for the effective adjudication of the dispute between the parties. It is equally well settled that an amendment introducing a claim which is ex facie barred by limitation may be disallowed. However, where the question of limitation involves an arguable issue with regard to the commencement of limitation or the date of knowledge, the

amendment may be permitted, leaving the question of limitation open for adjudication by the Trial Court by framing an appropriate issue.

6. The principal contention urged in opposition to the amendment is that the relief sought to be introduced by way of amendment is barred by limitation. It appears that the petitioners had not filed objections to the application for amendment before the Trial Court, requiring the Trial Court to examine the said issue. The question of limitation, in relation to the proposed amendment, has been raised for the first time before this Court. Nevertheless, if the relief sought to be introduced is barred by limitation, the petitioners cannot be deprived of their right to raise such a contention merely because the amendment has been permitted.

7. In view of the amendment having been permitted, the petitioners would be entitled to file an additional written statement and raise all permissible defences, including the plea of limitation. In the light of the principles laid down by the Hon'ble Supreme Court in ***LIC v. Sanjeev Builders (P) Ltd., (2022) 16 SCC 1***, and ***Haramani Sahoo v. Lalita Nayak***,

2026 SCC OnLine SC 2123, the Trial Court is required to frame an appropriate issue regarding limitation and adjudicate the same on the basis of the pleadings and evidence on record.

8. In view of the opportunity available to the petitioners to raise the plea of limitation in the course of trial, which issue is required to be adjudicated by the Trial Court, this Court finds no error or infirmity in the impugned order warranting interference in the present petition.

Accordingly, the writ petition stands ***disposed of***, subject to the observations made hereinabove.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 7