HC-KAR

NC: 2026:KHC:59556
WP No. 32103 of 2026

CNR: KAHC010703682026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 32103 OF 2026 (GM-CPC)

BETWEEN:

1. NAGENDRAPPA
   S/O. LATE ERAPPA
   AGED ABOUT 63 YEARS
   R/A. GOLLARAHALLY VILLAGE
   RAMAGIRI HOBLI
   HOLALKERE TALUK
   CHITRADURGA - 577 539

...PETITIONER

(BY SRI. SHEKAR L. S., ADVOCATE)

AND:

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

1. SHIVAMMA
   W/O. OMKARAPPA
   D/O. LATE RANGAPPA
   AGED ABOUT 47 YEARS
   R/A. GOLLARAHALLY VILLAGE
   RAMAGIRI HOBLI
   HOLALKERE TALUK
   CHITRADURGA - 577 539

2. SAKAMMA
   W/O. THIMMAIAH
   D/O. LATE RANGAPPA
   AGED ABOUT 43 YEARS

3. SHIVAKUMARI @ KUMARI
W/O. SHEKHARAPPA
D/O. LATE RANGAPPA
AGED ABOUT 35 YEARS

BOTH RESPONDENTS 2 AND 3
R/A. KONDANAHALLY VILLAGE
KASABA HOBLI
CHITRADURGA - 577 529

4. RUDRAMMA
W/O. LATE RANGAPPA
AGED ABOUT 67 YEARS
R/A. GOLLARAHALLY VILLAGE
RAMAGIRI HOBLI
HOLALKERE TALUK
CHITRADURGA - 577 539

5. AKKAMMA
W/O. LATE HATTAPPA
AGED ABOUT 53 YEARS

6. NAGAMMA
W/O. NAGEDRAPPA
D/O. LATE ERAPPA

BOTH RESPONDENTS 5 AND 6
ARE RESIDING AT
R/A. MENGASANDRA
GOLLARAHALLY VILLAGE
SRIRAMPURA HOBLI
HOSADURGA TALUK
CHITRADURGA 577 542

7. PARAMMA @ PARVATHAMMA
W/O. RANGAPPA
D/O. LATE ERAPPA
AGED ABOUT 49 YEARS

8. SHIVALINGAMMA
W/O. NAGARAJAPPA
AGED ABOUT 43 YEARS

BOTH RESPONDENTS 7 AND 8
R/A. GOLLARAHALLY VILLAGE
RAMAGIRI HOBLI
HOLALKERE TALUK
CHITRADURGA - 577 539.

9. PADMA @ PADMAMMA
W/O. KUMARAPPA
D/O. LATE RANGAPPA
AGED ABOUT 47 YEARS

10. NIRMALA
W/O. SHEKHARAPPA
D/O. LATE ERAPPA
AGED ABOUT 40 YEARS

BOTH RESPONDENT 9 AND 10
ARE RESIDING AT
R/A. BYADARAHALLY
GOLLARAHATTY VILLAGE
ARASIKERE TALUK
HASSAN-573 103

11. SHRUTHI
D/O. LATE RANGAPPA
AGED ABOUT 41 YEARS
R/A. GOLLARAHALLY VILLAGE
RAMAGIRI HOBLI
HOLALKERE TALUK
CHITRADURGA 577 539

…RESPONDENTS

(BY SRI. HARISH N.R., ADVOCATE FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 22/09/2026 ALLOWING THE APPLICATION UNDER ORDER VI RULE 17 OF THE CODE FOR AMENDMENT OF PLAINT IN OS 88/ 2017 ON THE FILES OF THE LEARNED ADDL. CIVIL JUDGE AND JMFC AT HOLALKERE VIDE ANNEXURE - P 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 is filed impugning the order dated 22.09.2026 passed on I.A. No. 16, filed under Order VI Rule 17 of the CPC, seeking amendment of the plaint.

2. Learned counsel appearing for the petitioner submits that amendment of pleadings is not permissible after commencement of the trial unless the requirements of the proviso to Order VI Rule 17 of the CPC are satisfied. It is submitted that the application for amendment was filed after completion of arguments.

2.1 It is further contended that the Trial Court, without having regard to the settled position of law, permitted the amendment without satisfying itself that the conditions

stipulated in the proviso to Order VI Rule 17 of the CPC had been fulfilled.

3. *Per contra*, learned counsel appearing for respondent Nos. 1 to 3 submits that the suit is one for partition and that the amendment is sought only to correct the boundaries of the suit schedule properties. It is contended that the proposed amendment neither alters the nature of the case nor withdraws any admission made by the parties. On the contrary, the amendment would facilitate the effective and complete adjudication of the dispute.

3.1 It is further submitted that the requirement of due diligence is not attracted where the amendment is confined to correcting or clarifying the boundaries or description of the properties.

4. Considered the submissions made by the learned counsel for the parties and perused the impugned order.

5. The suit is one for partition. It is not in dispute that the application seeking amendment was filed after completion of arguments. The proviso to Order VI Rule 17 of the CPC

operates after commencement of the trial and requires the party seeking amendment to satisfy the test of due diligence. The restriction imposed by the proviso is intended to ensure that amendments to pleadings are not permitted after commencement of the trial unless the statutory requirement is satisfied.

6. It is also a settled position of law that an amendment may be permitted if it is necessary for the effective adjudication of the dispute. The test of due diligence cannot be applied uniformly in every case, irrespective of the nature of the amendment sought. A Co-ordinate Bench of this Court, in W.P. No. 108512/2022, by order dated 16.12.2025, held that the test of due diligence may not be attracted where the amendment is confined to correcting the property number, extent or location, rectifying discrepancies in the boundaries, or correcting any other misdescription of the property.

7. This Court has perused the plaint schedule and the amendments sought by the plaintiffs. The proposed amendment is confined to correcting the boundaries of the suit schedule properties and, in respect of one of the items, the

extent of the property. If permitted, the amendment would neither necessitate the recording of additional evidence nor require the filing of additional pleadings. On the contrary, it would assist the Court in determining the respective shares of the parties and facilitate the final decree proceedings, particularly in identifying the boundaries and demarcating the shares.

8. In the aforesaid circumstances, this Court is of the view that the Trial Court was justified in permitting the amendment, as the same would facilitate the effective adjudication of the dispute. Accordingly, this Court finds no error or infirmity in the impugned order warranting interference in exercise of its writ jurisdiction.

9. Learned counsel for the petitioner places reliance on the judgment of the Hon'ble Supreme Court in ***Rajkumar Gurawara (Dead) through Legal Representatives v. M/s. S.K. Sarwagi & Co. Pvt. Ltd. and Another***, reported in ***(2008) 14 SCC 364***, to contend that an amendment cannot be permitted under Order VI Rule 17 of the CPC unless the requirements of the proviso thereto are satisfied.

10. There is no dispute with regard to the settled position of law. However, in the facts of the present case, though the application for amendment was filed after completion of arguments, the amendment sought is confined to correcting the boundaries and, in respect of one item, the extent of the suit schedule property. Having regard to the nature and scope of the proposed amendment, this Court finds no ground to interfere with the order passed by the Trial Court.

11. In view of the foregoing, the plaintiffs shall not be permitted to adduce any additional evidence pursuant to the amendment.

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

Sd/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 1 Sl No.: 16