

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 21ST DAY OF JUNE 2012

B E F O R E

THE HON'BLE MR. JUSTICE RAVI MALIMATH

Writ Petition No.33427/2010 (GM-CPC)

BETWEEN :

SRI MUKUNDAIAH
SON OF LATE PATEL THIMMAPAIAH,
41 YEARS, KONKANAHALLI VILLAGE,
KASABA HOBLI,
TURUVEKERE TALUK,
TUMKUR DISTRICT

...PETITIONER

(By Sri. N S SANJAY GOWDA &
Sri BYREGOWDA N, ADVS.)

AND :

1 GOVINDAIAH SINCE DEAD BY HIS LRS

(a) JAYAMMA W/O OF LATE GOVINDAIAH
70 YEARS,

(b) DHANALAKSHMI
WIFE OF PUTTASWAMY
45 YEARS,

(c) RAMA
SON OF GOVINDAIAH
43 YEARS,

(d) LAKSHMAN
SON OF GOVINDAIAH
40 YEARS,

(e) MOHAN KUMAR
SON OF GOVINDAIAH
35 YEARS,

(f) ANAND
SON OF GOVINDAIAH
34 YEARS

ALL ARE RESIDING AT KONKIHALLI VILLAGE
KASABA HOBLI, TURUVEKERE TALUK

2. LALITHAMMA
DAUGHTER OF VENKATARAMAIAH
AGE 30 YEARS,

3 LAKSHMAMMA
WIFE OF VENKATARAMAIAH
AGE 60 YEARS,

4 T LAKSHMANSWAMY
SON OF LATE PATEL THIMMAPAIAH
AGE 45 YEARS,

RESPONDENTS 2 TO 4 ARE

RESIDING AT KONKIHALLI VILLAGE
KASABA HOBLI, TURUVEKERE TALUK

- 5 CHENNAMMA
WIFE OF PUTTASHAMAIAH, MAJOR
- a) YASHODAMMA
WIFE OF ARCHAK VARADARAJU
50 YEARS, OPP BETTARAYASWAMY
TEMPLE NONALINAKERE TIPTUR TALUK
- 6 b) VISHALAKSHI
D/O CHENNAMMA
42 YEARS,
181, 5TH CROSS, 19TH WARD
RAJARAJESWARI NAGAR,
ANGALORE
- c) JAYANTHI
WIFE OF RANGASWAMY N V
22 YEARS,
181, 5TH CROSS, 19TH WARD
RAJARAJESWARI NAGAR,
BANGALORE
- d) SHOBHA
WIFE OF NARASIMHA MURTHY
AGE: 20 YEARS,
D. KALERE DANDINASHIVIRA HOBLI,
TURVEKERE TALUK
- 6 VENKATESH
S/O OF LATE PUTTASHAMAIAH
25 YEARS,

7 KRISHNAMURTHY
S/O LATE PUTTASHAMAIAH
22 YEARS,

BOTH RESPONDENTS 6 & 7 ARE
RESIDING AT MAVINAKERE VILLAGE,
KASABA HOBLI, BHADRAVATHY TALUK,
SHIMOGA DISTRICT

8 NAGARAJU
S/O OF LATE PUTTASHAMAIAH
28 YEARS, C/O DODDANARASAPPA
H.NO. 45, HOSAKERE
BSK 3RD STAGE
BANGALORE

...RESPONDENTS

(By Sri. K P ASOK KUMAR FOR R1(A-F))

This Writ Petition filed under Articles 226 & 227 of the Constitution of India praying to quash the order dated 06.10.2010 on IA 15 in O.S. No. 144/1996 on the file Civil Judge & JMFC, Turuvekere, Annexure E etc.

This Petition coming on for Preliminary hearing in B Group, the Court made the following:

ORDER

The plaintiff filed a suit for partition. It was decreed. Against the said decree an appeal was filed. The Appellate Court allowed the

appeal and remanded the matter to the trial Court for fresh disposal. Thereafter an application was filed by the 1st defendant seeking to amend the written statement. The same was rejected by the trial Court. Hence the present petition.

2. Learned Counsel for the petitioner submits that he required some time to verify the records as a whole and hence there is delay in filing the application.

3. Counsel for the respondent/plaintiff contends that the application has been filed after lapse of two years and after the remand and hence the trial Court is justified in dismissing the application.

4. Heard the learned the counsels appearing for the parties and perused the impugned order.

5. The suit has been filed in the year 1996. The present application has been filed in the year 2010. No adequate reasons are forthcoming in the affidavit as to why there is such long delay in filing the application except narrating the facts as to why the amendment is required. There is no reason as to 14 years lapse for making said application. Be that as it may, the Appellate Court had remanded the matter for fresh disposal in 2008. Even from that day onwards the petitioner had taken two years to make this application. I am of the considered view there is lack of any effort. The trial Court has rightly rejected the application and there is no reason to interfere with the

same. The petition being devoid of merits is dismissed.

SD/-
JUDGE

Vb/-