

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 10th DAY OF JULY 2014

BEFORE

THE HON'BLE MR. JUSTICE DILIP B BHOSALE

W.P.No.28582/2014 (GM-CPC)

BETWEEN:

B.Lokanatha Naidu
S/o Narayanaswamy Naidu
Aged about 55 years
R/at No.1197/C,
22nd 'A' cross, BSK II stage,
Bangalore-560 085.

... PETITIONER

(By Sri.L.S.Venkata Krishna, Adv.)

AND:

1. Channabasavaiah
S/o Nanjundappa
Aged about 63 years
R/at Ganigarapalya
Hosakerehalli village/Dhakle,
Uttarahalli Hobli,
Bangalore South Taluk-560 078.

2. S.Munibyrapa
S/o late R.Shamanna
Aged about 52 years
R/at No.12, 23rd main,

Sarakkikere, J.P.Nagar,
5th stage, Bangalore-560 078.

3. R.Balaji Singh
S/o M.Rama Singh
Aged about 42 years
R/at No.63, Post office road,
Yelechenahalli, Kanakapura main road,
Bangalore-560 078.
4. L.Manjunath
S/o late Laxminarayanachari,
Aged about 34 years
R/at near old post office,
Yelechenahalli, Kanakapura main road,
Bangalore-560 078.

... RESPONDENTS

(By Sri.T.Harish Bhandary, C/R1,
Sri.K.R.Srinivasappa, Adv. for C/R2-R4)

This W.P. is filed under Articles 226 & 227 of the Constitution of India praying to quash Annex-A dated 08.10.2013 passed on I.A.No.8 in O.S.No.293/2005 by the Principal II Civil Judge, Bangalore Rural district, Bangalore, and allow the writ petition with such ancillary and consequential orders including the award of costs of the writ petition.

This W.P. coming on for preliminary hearing this day, the Court made the following:-

PC:

Heard learned counsel for the parties.

2. By this writ petition, the petitioner-plaintiff seeks to challenge the order dated 08.10.2013 passed on I.A.No.8 in O.S.No.293/2005. By this application under Order 6 Rule 17 of CPC, plaintiff sought to amend the plaint in terms of the proposed amendment, as reflected therein.

3. Learned counsel for the petitioner, at the outset, submits that, if the petitioner is allowed to correct the name of N.Channabasavaiah s/o Nanjundappa in the cause title of the plaint, as Channabasappa s/o Basappa, he has instructions not to press the proposed amendments in terms of paragraphs 2(c) to 2(f) and (aa) as prayed in I.A.No.8. In

other words, he submits that if the name is allowed to be corrected in the title of the plaint and allowed to carryout consequential amendments, in terms of paragraphs 2(a) and 2(b), he has instructions not to press the proposed amendments in terms of paragraphs 2(c) to 2(f) and (aa).

4. Learned counsel appearing for the respondents, have no objection for allowing the amendment of the plaint to the extent, as aforementioned. In other words, they have no objection for correcting the name of defendant No.1, which was wrongly typed as N.Channabasavaiah s/o Nanjundappa, as Channabasappa s/o Basappa and for allowing the consequential amendments, in terms of paragraphs 2(a) and 2(b).

5. In the circumstances, I.A.No.8 is allowed to the extent, as submitted by learned counsel for the parties.

The amendments, in terms of paragraphs 2(c) to 2(f) and (aa), are rejected. Amendment to be carried out within six weeks from today.

6. With these observations, the petition is disposed of.

Sd/-
JUDGE

Srl.