



WP No. 105249 of 2022

**IN THE HIGH COURT OF KARNATAKA,  
DHARWAD BENCH  
DATED THIS THE 12<sup>TH</sup> DAY OF DECEMBER, 2022  
BEFORE  
THE HON'BLE MR JUSTICE N.S.SANJAY GOWDA  
WRIT PETITION NO. 105249 OF 2022 (GM-CPC)**

**BETWEEN:**

SRI HUSAIN SAB S/O LATA DODDA SHEKANNA  
PINJAR,  
AGED ABOUT 50 YEARS, OCC. AGRICULTURE,  
R/O. CHARAKUNTE SERKUNTE VILLAGE,  
TAL. AND DIST. BLALRI 583101.

...PETITIONER

(BY SRI. RAJENDRA R PATIL, ADV.)

**AND:**

1. SMT RASOOL BEE W/O. LATE HONNUR SAB PINJAR  
AGED ABOUT 74 YEARS,  
OCC. AGRICULTURE,  
R/O. CHARAKUNTE SERKUNTE VILLAGE,  
TAL. AND DIST. BALLARI 583101.
2. SRI PEERA VALI S/O LATE MASTHAN SAB PINJAR  
AGED ABOUT 26 YEARS,  
OCC. AGRICULTURE,  
R/O. CHARAKUNTE SERKUNTE VILLAGE,  
TAL. AND DIST. BALLARI 583101.
3. SRI. PEERA VALI S/O LATE MASTHAN SAB PINJAR  
AGED ABOUT 26 YEARS,  
OCC. AGRICULTURE,  
R/O. CHARAKUNTE SERKUNTE VILLAGE,  
TAL. AND DIST. BALLARI 583101.
4. SRI SIDDIQ SAB S/O LATE DODDA IMAM SAB PINJAR  
AGED ABOUT 74 YEARS,  
OCC. AGRICULTURE,





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R/O. CHARAKUNTE SERKUNTE VILLAGE,  
TAL. AND DIST. BALLARI 583101.

...RESPONDENTS

(BY SRI.RAVI HEGDE, ADV. FOR R2 TO R4;  
NOTICE TO R1 IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A)ISSUE WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 28/07/2022 PASSED BY THE COURT OF PRL. SENIOR CIVIL JUDGE AND C.J.M., BALLARI ON I.A.NO.20 FILED UNDER ORDER 6 RULE 17 OF CPC IN O.S.NO.116/2013 MARKED AT ANNEXURE-A AND ETC.,

THIS PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

1. This writ petition is filed challenging the rejection of an application filed by the defendant for the amendment of the written statement.

2. By the proposed amendment, the defendant wanted to incorporate two paragraphs into the written statement, by which, certain additional facts and one additional plea was sought to be raised.

3. The Trial Court has rejected the said application on the ground that the trial had commenced.



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4. In my view, since, the defendant only sought to incorporate certain additional facts and did not seek to either withdraw any admission made by them or raise a new defence contrary to their original defence taken up in the original written statement, there would be no prejudice caused to the plaintiffs by allowing the amendment.

5. However, since the application for amendment has been filed belatedly, it would be appropriate to saddle the petitioner with costs of Rs.5000/-.

6. Consequently, I.A.No.20 filed for amendment of the written statement is allowed and the impugned order is set aside. Writ petition is disposed off.

7. As the suit is of the year 2013, the Trial Court shall make every endeavor to dispose of the suit as early as possible, subject, however to the cooperation of the parties.

**SD  
JUDGE**

KGK List No.: 1 SI No.: 68