



HC-KAR

**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH****R****DATED THIS THE 20TH DAY OF AUGUST, 2025****BEFORE
THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ****WRIT PETITION NO.102555 OF 2025 (GM-CPC)****BETWEEN:**

1. SMT. SEETA W/O. KARIYANNA NAYAK ,
D/O. RAMA NAYAK, AGED ABOUT 69 YEARS,
OCC. HOUSE HOLD WORK, R/O. BELEKERI,
TALUK ANKOLA, (U.K DIST)-581314.
2. SMT. KAMALA W/O. ASHOK NAYAK,
D/O. RAMA NAYAK, AGED ABOUT 64 YEARS,
OCC. HOUSEHOLD WORK,
R/O. NEAR GANAPATI TEMPLE,
TOWNSHIP, DANDELI,
TALUK: DANDELI-581325.
3. SHRI BEERANNA S/O. RAMA NAYAK,
AGED ABOUT 61 YEARS, OCC. TEACHER,
R/O. ADLUR, PO. AGSUR, TALUK: ANKOLA,
DIST. UTTARA KANNADA-581314.
4. SHRI VIJAYA S/O. RAMA NAYAK,
AGED ABOUT 59 YEARS, OCC. TEACHER,
R/O. GOVT L.P.S. KRISHNAPUR, BALEGULI,
TQ: ANKOLA, DIST UTTARA KANNADA-581314.
5. SHRI SANJEEV S/O. RAMA NAYAK,
AGED ABOUT 58 YEARS, OCC. TEACHER,
R/O. GOVT H.P.S AGGARGONE,
TALUK: ANKOLA-581314.
6. SHRI NARAYAN S/O. RAMA NAYAK,
AGED ABOUT 57 YEARS, OCC. TEACHER,
R/O. GOVT H.P.S. NO.1 ANKOLA,
TALUK: ANKOLA-581314.





7. SMT. KALPANA KOM NARAYAN NAYAK
D/O. RAMA NAYAK, AGED ABOUT 50 YEARS,
OCC. AGRICULTURIST, C/O. NARAYAN NAYAK,
MILK DISTRIBUTOR, BEHIND CINEMA TALKIES,
TQ: YELLAPUR, DIST. UTTARA KANNADA-581359.
8. SHRI KALAPPA S/O. RAMA NAYAK,
AGED ABOUT 62 YEARS, OCC. AGRICULTURIST,
R/O. BHAVIKERI, TALUK: ANKOLA,
DIST. UTTARA KANNADA-581314.
9. U.F.M. SMT. NAGAMMA KOM. GOVINDRAY NAYAK,
AGED ABOUT 69 YEARS, OCC. AGRICULTURIST,
R/O. BHAVIKERI, TALUK: ANKOLA,
DIST. UTTARA KANNADA-581314.

...PETITIONERS

(BY SRIYUTHS. S.B. DODDAGOUDAR;
SHRI S.G. NANDOOR AND
A.C. CHAKALABBI ASSOCIATES, ADVOCATES)

AND:

SMT. LAXMI KOM NAGESH NAIK @
SMT BEERAMMA D/O. KALLU NAIK,
AGED ABOUT 74 YEARS, OCC. AGRICULTURIST,
R/O. BHAVIKERI, TALUK: ANKOLA,
DIST. UTTARA KANNADA-581314.

...RESPONDENT

(BY SRI. CHANDRASHEKHAR M. HOSAMANI, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI QUASHING THE ORDER ON I.A.NO.XIII DTD. 07/02/2025 ON AN APPLICATION UNDER ORDER VI RULE 17 PASSED BY THE HON BLE SENIOR CIVIL JUDGE AT ANKOLA IN O.S.NO.3/2021 (ANNEXURE-A); TO ALLOW I.A.NO.XIII UNDER ORDER VI, RULE 17 CPC IN O.S.NO.3/2021 ON THE FILE OF HON BLE SENIOR CIVIL JUDGE ANKOLA AND PERMIT THE PETITIONERS TO AMEND THE WRITTEN STATEMENT (ANNEXURE-E).C) THE HON'BLE COURT MAY ALSO BE PLEASED TO PASS ANY OTHER WRIT, ORDER, DIRECTION ETC IN THE ABOVE CASE TO SERVE THE ENDS OF JUSTICE.

THIS PETITION IS COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

**ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The petitioners are before this Court seeking for the following reliefs:

- a) *To issue writ of certiorari quashing the order on I.A.No.XIII dtd. 07/02/2025 on an application under order VI Rule 17 passed by the Hon'ble Senior Civil Judge at Ankola in O.S.No.3/2021 (**Annexure-A**).*
- b) *To allow I.A.No.XIII under order VI, Rule 17 CPC in O.S.No.3/2021 on the file of Hon'ble Senior Civil Judge Ankola and permit the petitioners to amend the written statement (**Annexure-E**).*
- c) *The Hon'ble Court may also be pleased to pass any other writ, order, direction etc in the above case to serve the ends of justice.*

2. A suit in O.S.No.3/2021 having been filed for partition and separate possession, a written statement came to be filed by defendant No.2. The petitioners/defendants No.1, 3 to 9 adopted the written statement filed by defendant No.2.

3. An application under Rule 17 of Order VI of Code of Civil Procedure (for short 'CPC') came to be filed by defendant No.4 seeking to amend the written



- statement filed by defendant No.2 on the ground that defendant No.4 had also adopted the written statement of defendant No.2. The said application having been rejected, the petitioners, who are all the defendants before the trial Court, are before this Court seeking for the aforesaid reliefs.
4. Though all the defendants are before this Court, the fact remains that the written statement was filed only by defendant No.2 and adopted by other defendants. Defendant No.4 only having adopted the written statement, but not being a signatory to the written statement or having filed the written statement individually, filed an application to amend the written statement. It is not that an application had been filed by all the defendants to amend the written statement, nor has the Defendant, who has filed the written statement, sought amendment of the written statement.



5. It is only for the person who has filed any particular pleading who can seek for amendment of that pleading. If there is a joint plaint or written statement filed, an application to amend the joint plaint or written statement would have to be filed by all the plaintiffs or all the defendants, who have filed the said pleadings jointly. An individual plaintiff or an individual defendant cannot seek to amend the plaint or written statement filed jointly.
6. In that view of the matter, in my considered opinion, it would not be permissible for defendant No.4, who has not filed a written statement, to seek amendment of a written statement not filed by defendant No.4. As such, I do not find any infirmity in the order passed by the trial Court. The petition stands **dismissed**.
7. Liberty is reserved to defendant No.2 to file an amendment application, which has to be considered



on merits by the trial Court. It is made clear that this Court has not expressed any opinion on the merits of the case or the amendment sought for.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

AM
Ct:pa
List No.: 1 Sl No.: 20