NC: 2026:KHC-D:7876
WP No. 115477 of 2019

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 115477 OF 2019 (GM-CPC)

BETWEEN:

SHRI SUBRAO SATYAPPA NAIK
AGE: 77 YEARS, OCC: AGRICULTURE,
R/O: KANAGALA-591125,
TALUKA: HUKKERI,
DISTRICT: BELAGAVI.
(BENEFIT OF SENIOR CITIZENSHIP NOT CLAIMED)
... PETITIONER

MOHANKUMAR B SHELAR

Digitally signed by MOHANKUMAR B SHELAR
Location: High Court of Karnataka, Dharwad Bench
Date: 2026.06.18 15:20:38 +0530

(BY SMT. SUNANDA P.PATIL, ADVOCATE)

AND:

1. SMT. SHANTABAI W/O. ANNAPPA NAIK
   AGE: 64 YEARS, OCC: AGRICULTURE,
   R/O: NAGNUR BARBANVI-591241,
   TALUKA: CHIKKODI,
   DISTRICT: BELAGAVI.

2. SMT. AKKATAI W/O. KALLAPPA NAIK
   AGE: 64 YEARS, OCC: AGRICULTURE,
   R/O: KANAGALA-591125,
   TALUKA: HUKKERI,
   DISTRICT: BELAGAVI.

3. SHRI SURESH S/O. KALLAPPA NAIK
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O: KANAGALA-591125,
TALUKA: HUKKERI,
DISTRICT: BELAGAVI.

4. SHRI MAHADEV S/O. KALLAPPA NAIK
AGE: 39 YEARS, OCC: AGRICULTURE,
R/O: KANAGALA-591125,
TALUKA: HUKKERI,
DISTRICT: BELAGAVI.

5. SMT. GOURAVVA W/O. APPASAHEB GUNDLI
AGE: 49 YEARS, OCC: HOUSE WIFE,
R/O: BHADAGAON-416502,
TALUKA: GADHINGALAJ,
DISTRICT: KOLHAPUR.

6. SHRI SAHADEV S/O. KALLAPPA NAIK
AGE: 29 YEARS, OCC: AGRICULTURE,
R/O: KANAGALA-591125,
TALUKA: HUKKERI,
DISTRICT: BELAGAVI.

SHRI MALLAPPA SATYAPPA NAIK
SINCE DECEASED BY HIS LRS.

7 SMT. MAHADEVI W/O. SADASHIV GUNDLE,
AGE: 44 YEARS, OCC: HOUSE WIFE,
R/O: BHADAGAON-416502,
TALUKA: GADHINGALAJ,
DISTRICT: KOLHAPUR.

8. SHRI SATYAPPA S/O. MALLAPPA NAIK,
AGE: 42 YEARS, OCC: AGRICULTURE,
R/O: KANAGALA-591125,
TALUKA: HUKKERI,
DISTRICT: BELAGAVI.

9. SMT. LAXMIBAI W/O. BASAPPA NAIK,
AGE: 54 YEARS, OCC: HOUSEWIFE,
R/O: KANAGALA-591125,
TALUKA: HUKKERI,
DISTRICT: BELAGAVI.

10. SHRI MAHADEV S/O. BASAPPA NAIK,
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O: KANAGALA-591125,
TALUKA: HUKKERI,
DISTRICT: BELAGAVI.

11. SHRI BALAPPA SATYAPPA NAIK
AGE: 69 YEARS, OCC: AGRICULTURE,
R/O: KANAGALA-591125,
TALUKA: HUKKERI,
DISTRICT: BELAGAVI.

12. SHRI SANTOSH MALLAPPA NAIK
AGE: 32 YEARS, OCC: AGRICULTURE,
R/O: KANAGALA-591125,
TALUKA: HUKKERI,
DISTRICT: BELAGAVI.

... RESPONDENTS

(R1-R5, R7 AND R12 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION QUASHING THE ORDER DATED 24.09.2019 ON AN APPLICATION FILED U/S 151 OF CPC IN OS NO. 339/2015 PRODUCED AT ANEXURE-E PASSED BY THE PRINCIPAL CIVIL JUDGE & JMFC, SANKESHWAR.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

1. The petitioner is before this Court assailing the order passed by the Trial Court on an application filed under Section 151 of the Code of Civil Procedure seeking permission to carry out consequential amendment pursuant to the earlier order permitting impleadment of the Special Land Acquisition Officer (SLAO) as defendant No.12. The Trial Court has rejected the said application solely on the ground that neither the plaintiff nor his counsel had taken steps to amend the cause title despite the impleading application having been allowed earlier.

2. Having heard the learned counsel appearing for the petitioner and on perusal of the material placed on record, this Court finds that the approach adopted by the Trial Court is excessively technical and does not advance the cause of justice. The petitioner has

instituted O.S. No.339/2015 seeking partition and separate possession. During the pendency of the suit, an application was filed seeking impleadment of the Special Land Acquisition Officer in view of the acquisition of certain suit schedule properties and the consequential entitlement to compensation. The said application came to be allowed by order dated 19.10.2016. However, the plaintiff failed to carry out the consequential amendment by incorporating the name of the SLAO as defendant No.12 in the cause title.

3. The rejection of the application filed under Section 151 of CPC is founded entirely on the premise that the plaintiff had not taken timely steps to effect the amendment. Such reasoning, in the considered view of this Court, cannot be sustained. Once an application for impleadment is allowed, the consequential amendment in the cause title is only

ministerial and procedural in nature. Unlike substantive amendments to pleadings, which require incorporation in the original plaint or written statement, amendment of the cause title consequent upon an order of impleadment is essentially an administrative act.

4. The Civil Rules of Practice contemplate that where a party fails to carry out such consequential amendment within the prescribed period, appropriate steps can be taken by the Registry for reflecting the impleadment in the cause title. Therefore, mere delay or omission on the part of the plaintiff in carrying out the consequential amendment could not have been a valid ground to deny the benefit of an order already granted in his favour.

5. It is also relevant to note that the proposed defendant, namely the Special Land Acquisition Officer, is only a formal and proper party whose presence is

necessary for effective adjudication of issues relating to compensation arising out of acquisition of certain suit properties. The impleadment is intended to safeguard the interest of all stakeholders and to ensure that any compensation payable in respect of the acquired properties remains subject to the outcome of the partition proceedings.

6. The Trial Court, while exercising jurisdiction, ought to have adopted a pragmatic and justice-oriented approach instead of rejecting the application on a purely technical consideration. The impugned order, therefore, suffers from material irregularity and reflects a failure to exercise judicial discretion in a manner consistent with the settled principles governing procedural law. Consequently, the order impugned warrants interference under Article 227 of the Constitution of India. For the foregoing reasons, this Court proceeds to pass the following;

ORDER

(i) The writ petition is allowed.

(ii) The order impugned dated 24.09.2019 passed on application filed under Section 151 of CPC in O.S. No.339 of 2015 vide Annexure-E, is set aside.

(iii) The plaintiff shall forthwith implead the SLAO as defendant No.12.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

VNP / CT: GSM
List No.: 2 Sl No.: 12