

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 101 OF 2020
(Arising out of S.L.P (Civil) No. 8490 of 2013)

SRI. MUNIYAPPA .. Appellant (s)

Versus

SYED JALEEL AHMED & ORS. .. Respondent(s)

W I T H

CIVIL APPEAL NO. 102 OF 2020
(Arising out of S.L.P. (Civil) No. 18950 of 2013)

O R D E R

CIVIL APPEAL NO. 101 OF 2020
(Arising out of S.L.P. (CIVIL) NO. 8490 OF 2013)

Leave granted.

The Appellant filed a suit for declaration and injunction before the City Civil Judge, Bangalore in the year 2004. Originally, there were seven defendants in the suit. He filed two applications on 11.12.2009 and 25.3.2010 for impleading Respondent Nos.2,3 and 8 herein as defendants in the suit. The said applications were allowed by the City Civil Judge by an

Order dated 22.7.2010. Thereafter, the Appellant moved an application for amendment of the plaint under Order VI Rule 17 of the Code of Civil Procedure, 1908. The amendment sought by the plaintiff is as follows :

“Pass the judgment and decree declaring that the right title as claiming by the defendant No.5 through the 4th defendant under the Registered Sale Deed dated 5.6.2003, bearing No.7949/2003-04, registered on the file of the Sub Registrar, Bangalore, North Taluk, Bangalore, and also null and void and illegal, which is not binding on the Plaintiff.”

The City Civil Judge allowed the application filed by the Appellant for amending the plaint. Aggrieved thereby, Respondent Nos.2 and 3 herein filed a writ petition under Article 226 of the Constitution of India. The High Court of Karnataka set aside the order of the City Civil Judge and rejected the application filed under Order VI Rule 17 of the Code of Civil Procedure.

Having heard Mr. Vinay Navare, learned senior counsel appearing for the Appellants and Mr. S.N. Bhat,

learned counsel appearing for the Respondent, we are of the opinion that the judgment of the High Court is required to be set aside and the order passed by the City Civil Judge be restored.

Respondent Nos.2 and 3 were purchasers of the suit property, before the date of filing of the suit. The averments made in the applications under Order VI Rule 17 of the Code of Civil Procedure are to the effect that the Appellant came to know about the sale of the property in favour of Respondent Nos.2, 3 and 8 herein and hence there was a requirement for impleading them as defendants and seeking a relief for cancellation of the sale deeds. Mr. Bhat submits that there is inordinate delay in moving the application for amendment of the plaint as has been rightly observed by the High Court.

In the facts and circumstances of this case, we are of the opinion that the interest of justice would be served by allowing the application filed by the Appellant under Order VI Rule 17 of the Code of Civil Procedure. However, Respondent Nos.2,3 and 8 herein shall be permitted to file their written statement and

seek a relief for framing an additional plea relating to limitation. The City Civil Judge, Bangalore shall decide the matter uninfluenced by any observations made either by the High Court or by us in this order.

The appeal is allowed accordingly.

CIVIL APPEAL NO. 102 OF 2020
(Arising out of S.L.P. (CIVIL) NO. 18950 OF 2013)

Leave granted.

The appeal is allowed in terms of the order passed by us today in Civil Appeal No.101 of 2020.

Pending application(s), if any, shall stand disposed of.

.....J.
(L. NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

New Delhi,
January 8, 2020.

ITEM NO.28

COURT NO.11

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).
8490/2013

(Arising out of impugned final judgment and order dated
30-08-2012 in WP No. 35709/2010 passed by the High Court of
Karnataka At Bengaluru)

SRI. MUNIYAPPA

Petitioner(s)

VERSUS

SYED JALEEL AHMED & ORS.

Respondent(s)

WITH

SLP(C) No. 18950/2013 (IV-A)

Date : 08-01-2020 These petitions were called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Vinay Navare, Sr. Adv.
Mr. Sharanagouda Patil, Adv.
Ms. Supreeta Sharanagouda, Adv.
Mr. Shirish K. Deshpande, AOR

For Respondent(s) Mr. S. N. Bhat, AOR

UPON hearing the counsel the Court made the following
O R D E R

CIVIL APPEAL NO. 101 OF 2020
(Arising out of S.L.P. (CIVIL) NO. 8490 OF 2013)

Leave granted.

The appeal is allowed in terms of the Signed Order.

CIVIL APPEAL NO. 102 OF 2020
(Arising out of S.L.P. (CIVIL) NO. 18950 OF 2013)

Leave granted.

The appeal is allowed in terms of the order passed in Civil Appeal No.101 of 2020.

Pending application(s), if any, shall stand disposed of.

(GEETA AHUJA)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER

(The Signed Order is placed on the file)