



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO. 36493 OF 2025 (GM-CPC)

BETWEEN:

SRI MANJUNATHA BUILDERS AND DEVELOPERS
REGISTERED PARTNERSHIP FIRM
SRI MANJUNATHA BUILDERS
AND DEVELOPERS
BEARING REG NO.RJR-F100-2022-23
HAVING REGISTERED OFFICE AT
NO.63, 3RD CROSS,
ULLAL MAIN ROAD,
GNANABHARATHI POST,
BENGALURU - 560056
REPRESENTED BY ITS
MANAGING PARTNER
C. GANGAPPA
S/O LATE. CHINNATHAYAPPA,
AGED ABOUT 64 YEARS

...PETITIONER

(BY SRI. SHARATH S GOWDA.,ADVOCATE)

AND:

SUNIL BALAGAVI
S/O T.B BALAGAVI
AGED ABOUT 42 YEARS
R/AT NO.120, 6TH MAIN ROAD,
2ND STAGE, K.H.B COLONY,
BENGALURU -560079

...RESPONDENT

(BY SRI. PRASANNA B R., ADVOCATE)



THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD 10.09.2025 PASSED BY THE PRINCIPAL CIVIL JUDGE BENGALURU RURAL IN OS NO. 1781/2024 TO THE EXTENT OF NOT GRANTING THE LIBERTY TO FILE FRESH SUIT WHILE DISMISSING THE SUIT OF PLAINTIFF BASED ON MEMO FOR WITHDRAWAL VIDE ANX-A.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

This petition is filed by the plaintiff aggrieved by the impugned order dated 10.09.2025 passed by the Principal Civil Judge, Bengaluru Rural District, in OS No.1781/2024, to the extent of not granting the liberty to file a fresh suit while dismissing the suit of the plaintiff based on the memo of withdrawal.

2. Petitioner is the plaintiff in O.S.No.1781/2024. The suit came to be filed for permanent injunction and other consequential reliefs. Along with the plaint, an application was filed for grant of temporary injunction. Pursuant to the grant of an ad-interim order of temporary



injunction upon hearing both parties on merits, an order of status quo came to be granted by the learned trial Judge. Thereafter, the petitioner/plaintiff filed a memo seeking withdrawal of the suit and sought liberty to file a fresh suit on a fresh cause of action in the future if the defendant interferes with the possession of the plaintiff over the suit schedule property. This application came to be partly allowed by allowing the memo of the plaintiff to withdraw the suit. However, the liberty that was sought for to file fresh suit was not granted, as it would prejudice the defendant. Aggrieved by the same, the petitioner/plaintiff is before this Court.

3. Learned counsel for the petitioner/plaintiff contends that the liberty ought to have been granted by the learned trial judge for filing a fresh suit on the fresh cause of action; otherwise, it may cause hindrance and damage to him if he files fresh suit on a fresh cause of action upon any interference by the defendant in the future which was precisely the prayer made in the memo



for withdrawal of the suit. It is contended by learned counsel that when the trial Court accepted the memo for withdrawal of the suit, simpliciter ought to have also reserved liberty to the plaintiff to file fresh suit on the fresh cause of action if there was any interference by the defendant.

4. Learned counsel for the respondent/defendant vehemently objects to the prayer so made by the petitioner on the ground that there is no perversity in the order passed by the trial Court, as liberty to withdraw the suit has been granted and suit is dismissed as withdrawn, however with regard to the liberty to file fresh suit on the fresh cause of action has been rightly dismissed as the plaintiff was unsuccessful in continuing with the temporary injunction order and in view of the fact that the trial Court has on merits decided the application by granting status quo, the plaintiff wants to withdraw the suit thereafter to file another suit which is barred by law, which is rightly decided by the learned trial judge.



5. I have heard the learned counsel for the petitioner and learned counsel for the respondent. The trial Court has rightly dismissed the suit as withdrawn. However, what was sought by the plaintiff before the trial Court was reserving liberty to file a fresh suit on a fresh cause of action in case of any interference in the future by the defendant over the suit schedule property of the plaintiff. I do not find any good ground or cogent reason for the trial Court to not have accepted such a request for granting liberty to file a fresh suit on a fresh cause of action in case of any interference over the suit schedule property by the defendant at a future date. Accordingly, the submission of learned counsel for the petitioner/plaintiff is sustainable and the same requires to be accepted. Learned counsel for the defendant though, objects to it; I do not find any reason to accept his contention. Accordingly, I pass the following order:



ORDER

The petition is ***allowed.***

2. The impugned order dated 10.09.2025 passed by the learned Principal Civil Judge, Bengaluru Rural District and so far has not granting liberty to file fresh suit on a fresh cause of action if any interference on a future date requires to be set aside. Consequently, the memo filed by the plaintiff for liberty to file fresh suit on a fresh cause of action in case of any interference by the defendant in the future has to be accepted.

3. The memo is accepted. The suit is dismissed, reserving liberty to initiate a fresh suit on a fresh cause of action in case it arises.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**