



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 8094 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. R BEENA
W/O DR. B.K.BASAVARAJ,
D/O LATE H.C.RAJASHEKARAN,
AGED ABOUT 59 YEARS,
R/O SUVARNA S.R. LAYOUT,
TURUVANUR ROAD,
CHITRADURGA-577501.

...PETITIONER

(BY SRI. S.C.VIJAYA KUMAR., ADVOCATE)

AND:

1. SMT. ARATHI W/O SHIVAMURTHY
D/O LATE H.C.RAJASHEKARAN,
AGED ABOUT 50 YEARS,
NO. 32, 3RD CROSS,
S.R. LAYOUT TURUVANUR ROAD,
CHITRADURGA-577501.
2. R. NITIN
S/O LATE H.C.RAJASHEKARAN,
AGED ABOUT 54 YEARS,
BOTH DEFENDANTS 2 & 3 ARE
R/O 2364, 19TH CROSS,
K.R. ROAD,

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



BANASHANKARI 2ND STAGE,
BENGALURU-70.

...RESPONDENTS

(BY SRI. S.V. GIRIDHAR FOR C/R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER PASSED BY THE LEARNED 29TH ADDL CITY CIVIL AND SESSIONS JUDGE BENGALURU (CCH-30) ON IA NO-9 FILED BY THE PETITIONER UNDER ORDER 6 RULE 17 OF CPC IN O.S.NO. 3774/2019 DATED 25-02-2026 AS PER ANNEXURE - 'F' BY ISSUING WRIT OF CERTIORARI AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

In this writ petition, the petitioner-plaintiff called in question the order dated 25.02.2026 passed by 29th Additional City Civil and Session Judge, Bengaluru (CCH-30) (for short, the 'Trial Court'), wherein the I.A.No.9 filed by the petitioner under Order 6 Rule 17 of CPC in O.S.No.3774/2019 has been rejected.



2. Brief facts of the case are that the Plaintiff filed suit for partition and separate possession. On appearance of respondents-defendants, they filed a written statement. On the basis of the pleadings of the parties, Trial Court has framed the issues.

3. The parties have adduced their evidence. When the matter was posted for arguments, the application has been filed under Order VI Rule 17 seeking amendment of prayer in the plaint. The same has been rejected on the ground that it is barred by limitation. Being aggrieved by the same, the petitioner-plaintiff is before this Court.

4. Learned counsel appearing for petitioner has contended that petitioner came to know that the value of the property is more than Rs.10,00,000/- on the date of execution of release deed dated 09.10.2013. But the value of the release deed is mentioned as Rs.1,00,000/-. Therefore the release deed has been obtained by fraud and coercion. Hence, he wants to challenge the release deed. Without considering this aspect of the matter, the Trial Court erred in



dismissing the application for amendment. To support his case, he relied on the judgment of Hon'ble Supreme Court in the case of ***SANTOSH VS. JAGAT RAM AND ANOTHER*** cited in (2010) 3 SCC 251.

5. Learned counsel appearing for the respondents-defendants contended that a release deed was executed on 09.10.2013. It is submitted that in the plaint, there is no averment to the effect that the said release deed was obtained by fraud or coercion. Even in the application seeking amendment, the only ground urged for challenging the release deed is that the defendants have not acted upon the same, as the RTC has not been mutated in their name. There is absolutely no pleading with regard to fraud, coercion, or any vitiating circumstance. It is further contended that the application seeking to challenge the release deed has been filed after a lapse of more than 12 years from the date of its execution. Therefore, the said challenge is clearly barred by limitation under Article 59 of the Limitation Act, 1963.



6. Heard learned counsel for the parties. Perused the writ papers.

7. Petitioner/plaintiff and defendant Nos.1 and 2 have executed release deed dated 09.10.2013 in favour of defendant No.3. The same is also narrated in the plaint. Nowhere in the plaint there is an allegation that release deed has been obtained by fraud or coercion. Even in the application filed for amendment there is no mention that the release deed is obtained by fraud or coercion. The only ground is that the value mentioned in the release deed is Rs.1,00,000/-. In the cross-examination it is admitted that its value is more than Rs.10,00,000/-. Therefore, he wants to amend the prayer by challenging the release deed. Since the plaintiff is aware of the execution of the release deed in the year 2013, he has not chosen to challenge the same. Now after lapse of 12 years, this application has been filed. As per the Limitation Act, the same is barred. Hence, the Trial Court, after considering this aspect of the matter, has rightly held that even if the plaintiff is permitted to amend



the plaint, no purpose would be served since the prayer sought is barred by limitation.

8. In view of the above, there is no error or illegality in the order passed by the Trial Court, accordingly, the writ petition is devoid of merit and hence ***dismissed***.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

AG
List No.: 1 Sl No.: 9