



CNR: KAHC010248872020

NC: 2026:KHC:44214
WP No. 9679 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 9679 OF 2020 (GM-CPC)

BETWEEN:

SMT. MALLIKA,
W/O K. SHANMUGHAM,
AGED ABOUT 59 YEARS,
R/AT NO.441/2, 5TH CROSS,
SHANKARAPPA GARDEN,
BASAVANAGAR,
MARATHALLI POST,
BANGALURU - 560 037.

...PETITIONER

(BY SRI. KUMBAR VASANT FAKEERAPPA., ADVOCATE)

AND:

Digitally signed
by
ANNAPURNA G
Location: High
Court of
Karnataka

1. SRI D. RAVICHANDRA,
S/O R. DORAISWAMY,
AGED ABOUT 51 YEARS,
R/AT NO.19, B.M.P
NO.23, BENAGANAHALLI,
NEAR WATER TANK,
DOORAVANINAGAR,
BENGALURU - 560 016.
2. SRI B. M. PRAKASH,
S/O LATE MALLAPPA,
AGED ABOUT 52 YEARS,
R/AT NO.P-3, SAI GOWRI RESIDENCY,



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C.V. RAMAN NAGAR POST,
BENGALURU.

...RESPONDENTS

(BY SRI. SRI HARSHA VARDHAN P, ADVOCATE FOR

SRI P.B. RAJU, ADVOCATE FOR R1

VIDE ORDER DATED 30.06.2026,

WP STANDS REJECTED IN R/O R3 TO R6)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO - QUASH ORDER DATED
18.08.2020 PASSED IN O.S.NO.25093/2014 BY THE LEARNED
LXXIII ADDL. CITY AND CIVIL SESSIONS JUDGE, MAYO HALL
UNIT, BENGALURU 9CCH NO.74) VIDE AT ANNEXURE-K AND
ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated
18.08.2020 passed in O.S.No.25093/2014 by the LXXIII
Additional City Civil and Sessions Judge, Mayo Hall Unit,
Bengaluru (CCH.No.74) (hereinafter referred to as the
'trial Court for short).



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2. Heard Sri V.F. Kumbar, learned counsel appearing for the petitioner and Sri Harsha Vardhan P, learned counsel appearing on behalf of Sri P.B. Raju, learned counsel for respondent No.1.

3. The respondents filed a suit in O.S.No.25093/2014 seeking the relief of permanent injunction restraining the defendant or her supporters from interfering with the peaceful possession and enjoyment of the suit schedule property or causing any encumbrances by way of auctioning the property to any third party involved. In the said suit, the petitioner/defendant filed a written statement denying the plaint averments. The plaintiffs filed an application under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure (for short, 'CPC') seeking to amend the plaint by incorporating certain additional paragraphs in the plaint and by seeking an additional prayer for the relief of specific performance of the agreement of sale dated 09.07.2011. The trial Court, vide order dated 08.03.2017,



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rejected the said application on the ground that the suit was one for bare injunction and that the relief sought was based on the cause of action stated in the plaint.

4. It is required to be noticed that, subsequently, the plaintiffs filed another application under Order VI Rule 17 read with Section 151 of the CPC seeking to amend the plaint and also seeking an additional prayer to direct the defendant to pay back the advance sale price of Rs.3,00,000/- paid by the plaintiffs under the agreement of sale dated 09.07.2011, with adequate interest from the date of the suit to the plaintiffs. The said application was opposed by the defendant. However, the trial Court, under the impugned order dated 18.08.2020, allowed the said application.

5. The contention of the learned counsel for the petitioner is that the suit is one for bare injunction and that a specific cause of action is shown in the said suit. An earlier attempt to amend the plaint was negated by the trial Court. However, by ignoring the said fact, another



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application for amendment was allowed. It is required to be noticed that the relief sought in the plaint is one for injunction and that, in the said suit, the plaintiffs filed an application seeking amendment of the plaint to incorporate the relief of specific performance, which was rejected by the trial Court vide order dated 08.03.2017. Subsequently, another application was filed seeking amendment of the pleadings and also seeking an additional prayer for the refund of the advance amount.

6. It is required to be noticed that the trial Court, taking into consideration the fact that the application for amendment was filed at the pre-trial stage and that, instead of asking the plaintiffs to file a fresh suit seeking the relief of refund, it would be appropriate to allow the application and proceeded to allow the application. In my view, the trial Court was fully justified in allowing the application. However, the petitioner is specifically contending that the relief of refund of the advance amount is barred by the law of limitation. Hence, the application



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seeking amendment of the plaint and the additional relief seeking refund of the advance amount shall only have prospective effect and not retrospective. In other words, the application for amendment filed by the plaintiff is allowed would have effect only from the date of the application and not from the date of filing the suit.

7. With the aforesaid modification, the order allowing the application is upheld.

8. Accordingly, the writ petition is ***disposed of***.

9. The contention with regard to the law of limitation is required to be considered by the trial Court at the appropriate stage.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

SHS
List No.: 1 Sl No.: 18