



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 16625 OF 2026 (GM-CPC)

BETWEEN:

SPECIALITY RESTAURANTS LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE AT,
UNI WORTH HOUSE, 3A,
GURUSADAY ROAD,
KOLKATA - 700 019.

HAVING ITS CORPORATE ADDRESS AT, B/25,
MORYA LANDMARK I, 4TH FLOOR,
OFF NEW LINK ROAD,
ANDHERI (WEST),
MUMBAI - 400 053,
THROUGH ITS AUTHORIZED REPRESENTATIVE,
MR. AVINASH KINHIKAR,
DULY AUTHORIZED VIDE BOARD RESOLUTION
DATED 10TH FEBRUARY, 2022

...PETITIONER

(BY SRI. CHINTAN CHINNAPPA M., ADVOCATE)

AND:

1. MR KURIEN THOMAS
PROPRIETOR OF M/S KALARIKAL PROPERTIES,



AGED ABOUT 52 YEARS,
SON OF LATE MR. K. THOMAS,
HAVING ITS OFFICE AT WOOD HOUSE, 526,
RANKA PARK, 5TH BLOCK,
BANGALORE - 560 027.
ALSO HAVING ADDRESS AT NO.D/202,
CENTURY PARK APARTMENT NO. 48,
RICHMOND ROAD,
BANGALORE,
KARNATAKA - 560 027

2. MR. MOHAMED OMAR FAROOK,
AGED ABOUT 64 YEARS,
SON OF ABDUL SHAKOOR,
RESIDING AT NO. 315,
8TH CROSS, LAKSHMI ROAD,
DIVYASHREE CHAMBERS,
SHANTINAGAR, WILSON GARDEN,
BENGALURU - 560 027.
3. MRS. NASIMA FAROOK SUNDKA,
AGED ABOUT 62 YEARS,
WIFE OF MR. MOHAMED OMAR FAROOK
RESIDING AT NO. 315,
8TH CROSS,
LAKSHMI ROAD,
DIVYASHREE CHAMBERS,
SHANTINAGAR,
WILSON GARDEN,
BENGALURU - 560 027.
4. THE SOUTH INDIAN BANK LIMITED,
A COMPANY REGISTERED UNDER



THE COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE AT SIB HOUSE,
MISSION QUARTERS,
T. B. ROAD,
THRISSUR, KERALA - 680 001

REGIONAL OFFICE AT SIB ARCADE,
NO. 61, WHEELER ROAD,
COX TOWN,
BENGALURU - 560 005,

REPRESENTED BY ITS AUTHORISED SIGNATORY

...RESPONDENTS

(BY SRI. ABHINAV R., ADVOCATE FOR C/R2
NOTICE TO R1 AND R4 ARE DISPENSED WITH
VIDE ORDER DATED 10.06.2026)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ALLOW THE WRIT
PETITION AND SET ASIDE THE IMPUGNED ORDER DATED
4TH APRIL 2026 PASSED ON IA NO.6/2025 (ANNX-A) IN
COM. O.S. NO. 1443/2024 BY THE LXXII ADDL. CITY CIVIL
AND SESSIONS JUDGE (CCH-83), BENGALURU, THEREBY
ALLOWING THE AMENDMENT APPLICATION BEING IA NO.
6/2025 AS PRAYED FOR THEREIN.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed aggrieved by the order dated 04.04.2026 passed in IA No.6 in Com.O.S. No.1443/2024 on the file of the City Civil and Sessions Judge, Commercial Court, Bengaluru. The petitioner, who is the plaintiff has filed suit seeking the following reliefs:

"a) Declaring that the Plaintiff continues to be the lawful tenant / lessee of the Demised Premises bearing No. 14, (Old No. 32), in BBMP Ward No. 76. Church Street, Bangalore;

b) Declare that the Lease Agreement dated 01st August 2013 executed is valid and subsisting and in full force and effect;

c) Declare as to who the Plaintiff must deposit the monthly rentals subject to receipt of valid GST compliant invoice;

d) Direct either Defendant No. 1 or in the alternatively Defendant Nos. 2 and 3 to enter into such documents and/or writings and/or agreement with the Plaintiff so as to ensure that the rights of the Plaintiff under the Lease Agreement dated 01st August 2013 is protected;

e) Direct and declare that on termination or expiry of the Lease Agreement dated 01st August 2013, the Plaintiff will be entitled to a



refund either from Defendant No. 1 or alternatively from Defendant Nos. 2 and 3, Security Deposit amounting to Rs.1,16,25,000/- (Rupees One Crore Sixteen Lakhs Twenty-Five Thousand only);

f) Direct and declare that the Plaintiff continued to be entitled to the services related to common area maintenance and services pertaining to the Demised Premises being property bearing No. 14, (Old No. 32), in BBMP Ward No. 76. Church Street, Bangalore either from Defendant No. 1 or alternatively from Defendant Nos. 2 and 3;

g) Declare that all amounts paid by the Plaintiff towards property taxes be adjusted from the lease rent to be paid either to Defendant No. 1 or alternatively to Defendant Nos. 2 and 3;

h) That, the Hon'ble Court be pleased to allow the Plaintiff to carry out renovation and interior works of the Demised Premises and direct either to Defendant No. 1 or alternatively to Defendant Nos. 2 and 3 to grant NOCs / sign applications and/or documents as may be required to be submitted to the various authorities;

i) That the costs of this Suit be provided for;

j) For such further and other reliefs as the nature and circumstances of the case may require;"



2. During the pendency of the suit, Defendant Nos.2 and 3 issued a termination notice dated 28.01.2025. Consequently, the petitioner/plaintiff filed I.A. No.6 seeking amendment of the plaint by inserting an additional prayer that the termination notice is not valid, the said application came to be dismissed by the impugned order.

3. Learned counsel appearing for the petitioner submits that the whole dispute is with regard to the tenancy and other issues arising out of it. During the pendency of the suit, when the termination notice was issued, the court has dismissed the same on the ground that it is a different cause of action and that cannot be included in this writ petition. It is submitted that if this is not made part of the prayer of this petition, again the petitioner has to file separate suit where it is concerning between the same parties and it unnecessarily give rise to the multiplicity of proceedings and this aspect was not considered by the Court. By inserting this, the nature of the suit will not change and further the whole dispute revolves around the tenancy between the petitioner and respondent Nos.2 and 3.



4. Learned counsel appearing for the respondent No.2/Caveator submits that the Court has rightly considered this aspect, as the suit was filed on a different cause of action. Now by inserting this relief the cause of action itself would change and it would cause prejudice to the defendants. The Court rightly dismissed the petition and there are no grounds to interference with the order impugned.

5. Having heard the learned counsel on either side, perused the material on record.

6. The suit is filed seeking several reliefs pertaining to the tenancy between the parties and the reliefs are running from A to J. During the pendency of the suit, the termination notice was issued. The observation of the Trial Court is that this is a separate cause of action and it would change the nature of the suit and it would cause prejudice to the defendants, cannot be sustained. In the interest of the parties and to put an end to the litigation and to avoid multiplicity of proceedings, it is very much necessary that this IA No.6 should have been allowed by the Court.



7. Accordingly, this Court is of the considered opinion that the order dated 04.04.2026 passed on I.A. No.6 needs to be set aside.

8. Accordingly, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***allowed*** by setting aside the order passed in IA No.6 in Com.O.S. No.1443/2024 on the file of the City Civil and Sessions Judge, Commercial Court, Bengaluru, dated 04.04.2026 and consequently, IA No. 6 filed by the plaintiff is allowed.
- ii. The petitioner shall make the necessary amendments within a period of 10 days from the date of receipt of the copy of this order.
- iii. Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 SI No.: 5