



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 19595 OF 2024 (GM-CPC)

BETWEEN:

SREE 1008 JAGADGURU CHANDRASHEKAR
SHIVACHARYA MAHASWAMI
AT VARANASI (KASI)
UTTAR PRADESH 221 001
INDIA. ALSO AT NO. 158/1
G.M. REJOYZ, 8TH MAIN
8TH CROSS, MALLESWARAM
BANGALORE 560 003.

REP. BY HIS GPA HOLDER
SRI. T.G. MRUTHYUNJAYA
S/O H. GURAPPA
AGED ABOUT 64 YEARS
NO. 158/1, G.M. REJOYZ
8TH MAIN, 8TH CROSS
MALLESWARAM, BANGALORE 560 003.

...PETITIONER

(BY SRI. VIRUPAKSHAIAH P H., ADVOCATE)

AND:

1. SMT. NANDITHA V
D/O VENKATARAMANI
AGED ABOUT 41 YEARS
R/A FLAT NO. 101, SAGARI APARTMENTS
NO. 25, 6TH MAIN ROAD
BETWEEN 8TH AND 9TH CROSS
MALLESWARAM, BANGALORE - 560 003
ALSO R/A 18631, EAST SWAN DRIVE
QUEEN CREEK, ARIZONA-85142
UNITED STATE OF AMERICA
REP. BY HER FATHER AND GPA HOLDER



Digitally signed
by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



VANKATARAMANI.T.S
S/O LATE T.N. SRINIVASA MOORTHY
AGED ABOUT 73 YEARS
R/AT FLAT NO. 101, SAGARI APARTMENTS
NO. 25, 6TH MAIN ROAD
BETWEEN 8TH & 9TH CROSS
MALLESWARAM, BANGALORE - 560 003.

2. KARMIKARA RAITHARA VASATHI
NIRMANA SAHAKARA SANGHA LTD.,
OFFICE AT NO.92, 1ST FLOOR
BULL TEMPLE ROAD, CHAMARAJPET
BANGALORE 560018
REP. BY ITS SECRETARY
REGISTERED UNDER THE KARNATAKA
CO-OPERATION SOCIETIES ACT

...RESPONDENTS

(BY SRI. VENUGOPAL M S., ADVOCATE FOR R1:
R2 IS SERVED)

THIS WRIT PETITION IS FILED UNDER THE ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR ORDER OR DIRECTION IN THE SIMILAR NATURE QUASHING IMPUGNED ORDER DATED 22.02.2024 IN O.S.NO.5985/2019 VIDE ANNEXURE-L PASSED BY THE LVI ADDITIONAL CITY CIVIL JUDGE AND SESSIONS JUDGE, BENGALURU (CCH-57) BY DISMISSING IA NO. 5 VIDE ANNEXURE-J FILED BY PLAINTIFF/R1 AND ETC.

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

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

ORAL ORDER

1. In this writ petition, the petitioner-defendant No.1 has called in question the order dated 22.02.2024 passed



on I.A.No.5 filed by the plaintiff under Order VI Rule 17 read with Section 151 of CPC by the LVI Additional City Civil and Session Judge, Bengaluru (hereinafter referred to as 'Trial Court' for short) in O.S.No.5985/2019, whereby, the said application filed by the plaintiff to carry out proposed amendment in the plaint has been allowed.

2. The plaintiff has filed a suit for bare injunction. On service of summons, the defendants appeared through counsel and has filed a written statement and denied the title of the plaintiff. Thereafter, the plaintiff filed I.A.No.5 under Order VI Rule 17 read with Section 151 of CPC seeking to carryout amendment in the plaint. The Trial Court by impugned order dated 22.02.2024 allowed the application. Being aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner-defendant No.1 contended that the amendment sought by the plaintiff is barred by limitation and that the nature of the suit, originally one for bare injunction, is sought to be



altered by introducing a claim for declaration and possession, which ought not to have been permitted at a belated stage.

4. Heard. Perused the writ petition papers.

5. It is to be noticed that in the written statement, the defendants have specifically denied the title of the plaintiff. Once the title is seriously disputed, the plaintiff is entitled to seek appropriate amendment to include the relief of declaration and consequential relief, so as to avoid multiplicity of proceedings. The object of Order VI Rule 17 of CPC is to allow necessary amendments for the purpose of determining the real controversy between the parties.

6. The amendments should ordinarily be allowed if they are necessary for adjudication of the dispute, unless serious prejudice is caused to the opposite party. In the present case, permitting the amendment would enable the Trial Court to comprehensively adjudicate the dispute relating to title and possession in the same proceedings.



7. Therefore, the Trial Court was justified in allowing the application. However, insofar as limitation is concerned, the same has to be considered from the date of filing of the amendment application. The question of limitation shall be determined by the Trial Court by framing an appropriate issue and deciding the same in accordance with law after permitting the parties to lead evidence.

8. With that observations, the writ petition stands ***disposed of.*** The Trial Court shall frame an additional issue on limitation and decide the same on merits, in accordance with law.

All pending applications, if any, shall also stand disposed of accordingly.

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