



CNR: KAHC010472212026

NC: 2026:KHC:44407
WP No. 21608 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 21608 OF 2026 (GM-CPC)

BETWEEN:

SRI. PARVATH WADEYAR
S/O SRI REVANARADHYA
AGED ABOUT 64 YEARS,
RESIDING AT NO. 451/2
RAJANUKUNTE VILLAGE AND POST,
HESARAGHATTA HOBLI,
BENGALURU -560 064

...PETITIONER

(BY SRI. SHANKARANARAYANA BHAT N., ADVOCATE)

AND:

1. SRI.PANDUKUMAR
S/O N.KESHA RAO,
AGED ABOUT 60 YEARS,
RESIDING AT NO. 1707,
5TH MAIN ROAD, GKVK POST,
JUDICIAL LAYOUT,
BENGALURU -560 065
2. SMT.LAVANYA C.,
W/O NARASIMHAMURTHY N.,
AGED ABOUT 45 YEARS,
RESIDING AT NO. 20/1
SINGANAYAKANAHALLI,
YELAHANKA HOBLI,
BENGALURU-560 065

...RESPONDENTS

Digitally
signed by
SUVARNA T
Location:
HIGH
COURT OF
KARNATAKA



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THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER PASSED BY THE COURT OF THE PRL. CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN O.S.NO.329/2013 ON I.A.NO.V DATED 10.4.2026 REJECTING THE APPLICATION FILED BY THE PETITIONER IN I.A.NO.V FOR AMENDMENT (MARKED AS ANNEXURE C) BY THE ISSUE OF A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION AS THE CASE MAY BE AND BY ALLOWING THE I.A.NO.V IN O.S.NO.329/2013 IN THE COURT OF THE PRL. CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU AND GRANT THE PETITIONER SUCH OTHER FURTHER RELIEFS AS DEEMED FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE AND ALLOW THIS WRIT PETITION WITH COSTS.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 10.04.2026 passed on I.A.No.5 in O.S.No.329/2013 by Principal Civil Judge, Bengaluru Rural District, Bengaluru, the petitioner/plaintiff is before this court.



2. Originally, the petitioner filed a suit for injunction. Later, an application was filed under Order VI Rule 17 of the CPC seeking amendment of the plaint. By virtue of the amendment, he is now seeking the relief of specific performance. That came to be dismissed by order impugned.

3. While dismissing the application, the trial Court observed that, on perusal of the documents and pleadings available on record, it could be seen that the plaintiff filed the present application on 12.11.2021, and the suit was filed in the year 2013. After a lapse of 8 years, the plaintiff has come up with the present application for amendment of the plaint and the prayer column for the relief of specific performance. Such amendments are generally accepted if filed within the statutory limitation period, particularly if the breach occurred before the performance of the day. Moreover, if the present application is allowed, it will alter the nature of the suit, and the cause of action will be changed. Hence, the application was rejected.

4. Learned counsel appearing on behalf of the petitioner submits that the trial Court ought to have dismissed the I.A. filed under Order VI Rule 17 of the CPC seeking



amendment of the plaint, as well as the prayer on the ground of limitation. It is submitted that limitation is a question of fact and law and cannot be decided at this stage. Further, it is submitted that when an application is filed seeking amendment of the pleadings, the trial Court cannot look into the validity of the amendment at the inception.

5. Having heard the learned counsel for the petitioner, perused the material on record. The suit was filed way back in the year 2013. Even on that day, the petitioner had mentioned about the agreement of sale. Now, in the year 2021, he seeks to amend the pleadings by inserting a prayer for specific performance. The prayer, which is not permissible directly, is trying to do it indirectly by amending the pleadings. Even while amending the pleadings, a time-barred prayer cannot be entertained. Apart from that, the entire nature of the suit will change, and allowing this amendment would cause a lot of hardship to the defendant. All these aspects were rightly considered, and the I.A. was rejected. This Court finds no reason to interfere with the impugned order. Accordingly, this Court is passing the following:



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ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 57