



CNR: KAHC010639912026

NC: 2026:KHC:52245
WP No. 29192 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 29192 OF 2026 (GM-CPC)

BETWEEN:

1. M/S ASSA REAL ESTATE PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT,
HAVING ITS REGISTERED OFFICE AT
NO.18, 1ST FLOOR, 7TH MAIN ROAD,
HRBR LAYOUT, KALYANANAGARA,
BENGALURU-560043,
REPRESENTED BY ITS DIRECTOR,
SRI. SALMAN SIDDIQI,
AGED ABOUT 52 YEARS.

...PETITIONER

(BY SRI. SUNIL S. RAO, ADVOCATE FOR
SRI.T. SESHAGIRI RAO, ADVOCATE)

AND:

1. M/S KALASA ESTATE
A REGISTERED PARTNERSHIP FIRM,
HAVING ITS OFFICE AT KALASA ESTATE,
KALASA TALUK,
CHIKKAMAGALURU DISTRICT 577124,
REPRESENTED BY ITS WORKING PARTNER,
SRI. S. ALAGHU VAIRAM,
S/O. S. SOCKALINGAM,
AGED ABOUT 31 YEARS

Digitally
signed by
VINISHA B S
Location:
High Court of
Karnataka



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2. SRI. MOHAMMED HARISS,
AGED ABOUT 55 YEARS,
S/O. MOHAMMED SADIQ SIDDIQ,
NO.9, NAGENAHALLI CROSS BUS STOP,
KANNUR POST, BAGALUR,
BENGALURU-562149.

...RESPONDENTS

(BY SRI A. SAMPATH, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 01.09.2026 PASSED ON I.A. NO.XVI IN O.S. NO.44/2025 BY THE SENIOR CIVIL JUDGE AND JMFC, MUDIGERE, PRODUCED AT ANNEXURE - A.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

Heard Sri.Sunil S. Rao, learned counsel for Sri. T. Seshagiri Rao, learned counsel for the petitioner and Sri. A. Sampath, learned counsel for respondent No.1.

2. This petition is filed impugning the order dated 01.09.2026 passed on I.A. No.XVI in O.S. No.44/2025, filed under Order XIV Rule 5 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC'), seeking framing of additional issues.



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3. The respondents herein filed a suit under Section 6 of the Specific Relief Act, 1963 (for short, 'the Act'), seeking restoration of possession of the suit schedule property and also claiming loss of profits and damages. The petitioner herein filed the written statement. Thereafter, the trial Court framed the issues. The petitioner filed an application seeking amendment of the written statement. Though the said application was rejected, this Court, in W.P. No.25000/2026 vide order dated 11.08.2026, permitted the petitioner to carry out the amendment. Pursuant thereto, the petitioner filed an application seeking framing of additional issues in view of the amendment to the written statement.

4. Learned counsel appearing for the petitioner submits that the trial Court, insofar as additional issue No.4 is concerned, has committed an error in not framing the said issue. It is submitted that additional issue No.4 specifically deals with the validity and effect of the



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document in question, pursuant to which the transaction in question has taken place.

5. Per contra, learned counsel appearing for the caveator/respondent No.1 submits that the trial Court, upon comparing the issues already framed with the proposed additional issues, has recorded a categorical finding that all the proposed additional issues are covered by the issues already framed and that framing of the additional issues would amount to repetition and duplication.

6. Considered the submissions made by learned counsel appearing for the parties and perused the petition papers.

7. The suit is filed under Section 6 of the Act. The written statement has been filed. The amendment to the written statement has been permitted. The trial Court has framed the issues. The controversy in the present petition is with regard to the necessity of framing additional issues



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in view of the amendment permitted to the written statement. The trial Court has compared the issues originally framed with the proposed additional issues. The trial Court has recorded a finding in respect of each of the issues originally framed and the proposed additional issues and has held that all the proposed additional issues stand covered by the issues already framed by the Court, which are issues Nos.1 to 7.

8. Though learned counsel for the petitioner seeks to contend that additional issue No.4 is distinct from the issues already framed by the trial Court, this Court, with the assistance of learned counsel appearing for both the parties, has compared, in detail, the issues already framed with the proposed additional issues. Upon such examination, it is clear that the controversy sought to be raised under additional issue No.4 is already covered under issue No.5, which specifically deals with the MOU dated 07.07.2022 and 19.07.2022 and the GPA dated 27.07.2022. Thus, all the proposed additional issues,



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particularly additional issue No.4, stand covered by the issues already framed by the trial Court. As rightly held by the trial Court, the proposed additional issues are nothing but a repetition and duplication of the existing issues and do not, in any manner, alter or introduce any new contention.

9. This Court finds no error in the order passed by the trial Court. Accordingly, the writ petition is dismissed.

**Sd/-
(K. V. ARAVIND)
JUDGE**