Reserved on: 09.09.2026
Pronounced on: 03.11.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 27611 OF 2026 (GM-CPC)

BETWEEN:

1. SRI BHARATH REDDY
AGED ABOUT 40 YEARS,
FATHER NAME NOT KNOWN,
OWNER OF NAGRAJUNA
THE ANDHRA STYLE HOTEL,
RUNNING ITS BUSINESS AT
NEAR SBI, BELLANDUR,
BANGALORE-560103.

...PETITIONER

(BY SRI. RAMESH N., ADVOCATE)

AND:

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

1. M/S NAGARJUNA GROUP OF RESTAURANTS
EARLIER IT WAS
M/S NAGARJUNA GROUP OF HOTELS
OPERATED BY ANNAPOORNA ENTERPRISES,
HAVING ITS REGISTERED TRADE
MARK NO.2423178,
ADD/AT NO.195, DOUBLE ROAD,
INDIRANAGAR, BENGALURU-560038.

ALSO AT
NO.44/1, RESIDENCY ROAD,
BUSINESS OPERATONS,
BANGALORE NO.162, 80 FEET ROAD
4TH BLOCK, KORAMANGALA

BANGALORE - 560034
GST NO.29AACFA1961A1ZY
PAN NO. AACFA1961A,
REP BY ITS SENIOR MANAGER AND
AUTHORIZED REPRESENTATIVE,
SRI. K RAVI,
AGED ABOUT 53 YEARS,
S/O. LATE K. RAMAIAH.

…RESPONDENT

(BY SRI P.B. RAJU, ADVOCATE FOR C/R)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDERS PASSED BY THE LEARNED LXXXIV ADDL. CITY CIVIL AND SESSIONS JUDGE AT COMMERCIAL COURT (CCH-85) DATED- 12/08/2026 ON I.A. NO.9 FILED UNDER ORDER VI RULE 17 IN O.S. NO.1536/2024 FILED BY THE RESPONDENT/PLAINTIFF, AS PER THE COPY OF THE ORDER IS PRODUCED AT ANNEXURE-A.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

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

C.A.V. ORDER

This petition is filed impugning the order dated 12.08.2026 passed by the Commercial Court in Com. O.S. No.1536/2024, whereby I.A. No.9 filed under Order VI Rule 17 read with Section 151 of the CPC came to be allowed.

2. The plaintiff instituted the commercial suit seeking, inter alia, a direction to the defendant or its agents not to use the trade name ‘Nagrajuna’, which is alleged to be similar to the

plaintiff's trade name 'Nagarjuna Andhra Style 1984', and for other reliefs.

2.1 After commencement of the trial, the plaintiff filed an application under Order VI Rule 17 of the CPC seeking deletion of the words "Andhra Style" and substitution thereof with the words "plaintiff's registered trademark 'Nagarjuna 1984'". It is stated in the application that the proposed amendment would neither alter the cause of action nor take away any admissions already made, and would not introduce new cause of actions. The Trial Court accepted the application and permitted the amendment.

3. Learned counsel appearing for the petitioner submits that the entire plaint is founded on the premise that the plaintiff's registered copyright is "Nagarjuna Andhra Style 1984", whereas, by way of the proposed amendment, the plaintiff now seeks to restrict the trademark to "Nagarjuna 1984". It is submitted that the petitioner is carrying on business in the name of "Nagrajuna Andhra Style". Learned counsel further submits that the amendment so permitted would alter the entire basis of the suit and would consequently affect the evidence already on record, including to the extent of taking

away the admissions made by the plaintiff. It is further submitted that the Trial Court can adjudicate the suit even without permitting the said amendment.

3.1 Learned counsel for the petitioner, in support of his submissions, placed reliance on the judgments of the Hon'ble Supreme Court in the following cases:

i) Basavaraj v. Indira and Others[1];

ii) ***Vidyabai and Others v. Padmalatha and Another[2];*** and

(ii) ***Revajeetu Builders and Developers v. Narayanaswamy and Sons and Others[3]***.

4. Per contra, learned counsel appearing for the respondent submits that the plaintiff's copyright was stated as "Nagarjuna Andhra Style 1984" due to an oversight and typographical error. It is submitted that the entire case of the plaintiff is founded on the registered trademark "Nagarjuna 1984". It is further submitted that the proposed amendment neither alters the cause of action, takes away any admission, nor enlarges

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[1] ***Civil Appeal No.2886/2012***

[2] ***(2009) 2 SCC 409***

[3] ***(2009) 10 SCC 84***

the scope of the suit. The amendment is necessary to bring the pleadings in conformity with the registered trademark. Learned counsel further submits that, in view of the amendment, the plaintiff is not even seeking leave of the Court to adduce further evidence. The Trial Court, having considered the above aspects, has rightly allowed the application.

5. Considered the submissions made by the learned counsel for the parties and perused the writ papers.

6. The suit in question is instituted to resolve the dispute relating to the trademark. The plaintiff claims to have a registered trademark as "Nagarjuna Andhra Style 1984". It is alleged that the defendant is carrying on business under the name "Nagrajuna Andhra Style", which is phonetically similar to the plaintiff's trademark and, therefore, amounts to infringement of the plaintiff's registered trademark "Nagarjuna Andhra Style 1984".

6.1 The defendant-petitioner has taken a specific stand in the written statement that "Andhra Style" does not form part of the plaintiff's registered trademark. The written statement also refers to the colour of the registered trademark to contend that there is no infringement of the plaintiff's registered trademark.

6.2 The controversy arising in the application is, therefore, very limited. For whatever reason, the plaintiff has claimed its registered trademark to be "Nagarjuna Andhra Style 1984", in support of which a certificate issued by the competent authority has been produced.

6.3 The Trial Court, in addition to the pleadings of the respective parties, necessarily has to examine the registered trademark, on the basis of which the controversy between the parties is required to be adjudicated. No doubt, the entire pleadings are based on the registered trademark "Nagarjuna Andhra Style 1984", which is now sought to be restricted to "Nagarjuna 1984". Such amendment would result in a correction of the pleadings. However, the said correction would neither introduce a new cause of action nor alter the scope of the suit, nor would it have the effect of taking away any admission made by the plaintiff.

6.4 Moreover, the amendment permitted would bring the pleadings in conformity with the registered trademark. This would assist the Court in effectively and comprehensively adjudicating the dispute. Further, in view of the categorical submission made by learned counsel for the respondent-

plaintiff that no further evidence would be led in view of the amendment, no prejudice would be caused to the petitioner-defendant.

6.5 It is a settled position of law that an amendment to the pleadings should be permitted if it is necessary for the complete and comprehensive adjudication of the dispute. However, the principal consideration is whether such amendment would cause any prejudice to the other side.

6.6 In the present case, the proposed amendment would have the effect of deleting the words "Andhra Style" from the claimed registered trademark and restricting it to "Nagarjuna 1984". As rightly held by the Trial Court, the amendment is necessary to bring the pleadings in conformity with the registered trademark. The amendment would neither cause prejudice to the defendant nor introduce a new cause of action.

6.7 The Hon'ble Supreme Court, in the case of ***Basavaraj*** (supra), has clearly held that an amendment to the pleadings after commencement of the trial has to be considered liberally if the same is necessary for the comprehensive and complete adjudication of the dispute. However, it has also been held that the proviso to Order VI Rule 17 of the CPC requires the Court to

examine as to why the amendment could not have been sought earlier.

6.8 In the present case, the pleadings were made on the basis of the registered trademark certificate, but the trademark was incorrectly described therein. The amendment is sought only to correct the description and bring the pleadings in conformity with the said certificate, on the basis of which the suit itself is founded. Even if the amendment is not permitted, the Trial Court can necessarily adjudicate the suit on the basis of the registered trademark certificate. The amendment, however, only facilitates bringing the pleadings in conformity with the registered trademark certificate.

7. In that view of the matter, the judgments relied upon by the petitioner would not advance the case so as to warrant interference by this Court with the impugned order.

8. This Court is not inclined to entertain this writ petition. Accordingly, the writ petition is ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

VP