HC-KAR

NC: 2026:KHC:59612
WP No. 32807 of 2026

CNR: KAHC010722212026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 32807 OF 2026 (GM-CPC)

BETWEEN:

1. SMT GOWRAMMA
   AGED ABOUT 62 YEARS,
   W/O SRI. SRINIVAS,
   D/O LATE T. VENKATESH M.

2. SRI. RAGHAVENDRA
   AGED ABOUT 42 YEARS,
   S/O SRI. SRINIVAS,

   BOTH ARE RESIDING AT NO.33,
   KANNIKA RESIDENCY,
   UTTARAHALLI HOBLI,
   SUBRAMAYAPURA POST,
   BANGALORE - 560 061.

...PETITIONERS

(BY SMT. SADHANA S. DESAI, ADVOCATE)

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

AND:

1. SRI KESHAVA MURTHY R.,
   MAJOR,
   S/O NOT KNOWN TO PLAINTIFFS,
   R/AT MALLATHAHALLI VILLAGE,
   YESWANTHAPUR HOBLI,
   BANGALORE NORTH TALUK-5600512

2. SMT. K. SUBBAMMA,
MAJOR,
W/O LATE KALINGA,
R/AT NO.570, 1ST MAIN ROAD,
2ND CROSS, KENGUNTE,
MALLATHAHALLI VILLAGE,
YESWANTHAPUR HOBLI,
BANGALORE NORTH TALUK-560052.

…RESPONDENTS

(VIDE ORDER DATED 27.10.2026
NOTICE TO RESPONDENTS IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 29.09.2026 PASSED BY THE HON'BLE XXVI ADDL. CITY CIVIL AND SESSIONS JUDGE MAYO HALL BENGALURU REJECTING APPLICATION UNDER ORDER 17 RULE 1 OF CPC IN O S NO.23203/2019 PRODUCED AS ANNX-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

The present petition assails the order dated 29.09.2026, passed under Order XVII Rule 1 of the Code of Civil Procedure, rejecting the request for further examination-in-chief of PW.1.

2. Learned counsel for the petitioners submits that the suit was instituted seeking the relief of permanent injunction. The

defendants have filed a written statement denying the petitioners' title to the suit schedule property.

2.1 It is further submitted that the plaint is required to be amended to seek comprehensive reliefs. Learned counsel contends that, in view of the impugned order, the Trial Court may not permit the petitioners to lead further evidence.

3. Considered the submissions made by learned counsel for the petitioners.

4. In view of the limited interference, this Court is inclined to make notice to respondents stands dispensed with.

5. The suit was instituted seeking the relief of permanent injunction. The defendants have filed a written statement denying the plaintiffs' title to the suit schedule property. It is settled law that where the title to the suit schedule property is in dispute, a mere suit for injunction may not be maintainable, and the plaintiffs may be required to seek a comprehensive relief by way of amendment of the plaint.

6. The apprehension expressed by learned counsel for the petitioners that, even if the amendment is permitted, the Trial Court may not permit the plaintiffs to lead evidence is premature. It is made clear that, in the event the Trial Court permits the amendment of the plaint, the petitioners shall be permitted to lead evidence in support of the amended pleadings.

7. With the above observations, the writ petition is ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 25