

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND  
SESSIONS JUDGE AT BENGALURU**

Dated this the 24<sup>th</sup> day of February 2026

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,  
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)  
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

**O.S.No.9160/2018**

**PLAINTIFF** : Royal Enclave Property Owners  
Welfare Association (Repowa).

V/s

**DEFENDANTS** : Raghavendra Hegde & others.

i.	Provision under which the application is filed	Order XIV Rule 5 of the Code of the Civil Procedure.
ii.	Relief sought for	To strike out the issue No.1 and re-cast the issues.
iii.	The date on which the application is filed	23.09.2021
iv.	Number of the application	I.A.No.XI
v.	The date on which the objections are filed by different opponents	22.02.2022
vi.	The date on which the orders were passed on the said application	24.02.2026

**ORDERS ON I.A.No.XI**

The plaintiff has filed I.A.No.XI under Order XIV Rule 5 of the Code of Civil Procedure seeking an order to delete/

strike out issue No.1 and to frame the following two additional issues :-

1. Whether the plaintiff proves that the Sale Deed dated 20.09.2014 executed by defendant No.19, 23 to 25 in favour of defendant No.26 is null and void and not binding upon the members of the plaintiff Association ?
2. Whether the plaintiff proves that the Sale Deed dated 13.11.2018 executed by defendant No.19 to 22 in favour of the defendant No.18 firm is null and void and not binding upon the members of the plaintiff Association ?
3. Whether the plaintiff proves that the Sale Deed dated 22.11.2018 executed by the defendant No.26 in favour of the defendant No.18 firm is null and void and not binding upon the members of the plaintiff Association ?

2. In support of I.A.No.XI, the President of the plaintiff Association by name V.Nadeeshaiah has filed his affidavit.

3. Defendant No.18 has filed objections to I.A.No.XI praying to dismiss I.A.No.XI.

4. Heard the arguments of the learned Counsels for the plaintiff and defendants No.19, 20 to 22, 24 and 25 on I.A.No.XI. Perused the materials available on record.

5. The following point that has been arisen for my consideration:

*Whether the plaintiff has shown sufficient reasons to strike out issue No.1 and to frame additional issues as prayed in I.A.No.XI ? If so, what order?*

6. My answer to the above point is in the Negative for the following:

### **REASONS**

7. The plaintiff has filed this suit against the defendants for declaration to declare that the Sale Deed dated 13.11.2018 executed by defendants No.19 to 22 in favour of defendant No.18, Sale Deed dated 22.11.2018 executed by defendants No.26 in favour of defendant No.18 are null and void and not binding on the members of the plaintiff Association and consequential relief of permanent injunction. Defendants No.18 has filed his written statement.

Based on the pleadings of the plaintiff and defendant No.18, the issues were framed.

8. As per Order XIV Rule 1 of the Code of Civil Procedure, issue arise when a material proposition of fact or law is affirmed by the one party and denied by the other. In the present case on hand, based on the pleadings of the plaintiff and defendant No.18, issue No.1 has been framed casting the burden on the plaintiff. Proposed additional issues No.2 and 3 are splitting of issue No.1 already framed by this Court. Splitting of issue No.1 is not required by framing the proposed additional issues No.2 and 3. The plaintiff has not permitted to amend the plaint and the defendants have not filed their additional written statement with regard to the Sale Deed dated 20.09.2014. Therefore, the framing of additional issue No.1 at this stage of the proceedings does not arise. For the above reasons, the plaintiff has not shown sufficient reasons to recasting issues No.1 to 3. Hence, I answer the above point in the Negative. In the result, I proceed to pass the following :

**ORDERS**

I.A.No.XI filed by the plaintiff  
under Order XIV Rule 5 of the Code of  
Civil Procedure is hereby dismissed.

No order as to cost.

(Typed by the stenographer in the Court computer on my  
direct dictation, printout taken, corrected and then  
pronounced by me in the open court today on this the 24<sup>th</sup>  
day of February 2026)

**(VEDAMOORTHY B.S.)**

XXXI Addl. City Civil & Sessions Judge,  
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,  
Bengaluru.