



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION No. 19178 OF 2025 (GM-CPC)

BETWEEN:

1. SRI. RAMESH,
S/O LATE MUNIYAPPA REDDY,
AGED ABOUT 55 YEARS,
2. SMT. GIRIJA
W/O RAMESH,
AGED ABOUT 50 YEARS

BOTH ARE R/AT
CHANNASANDRA VILLAGE,
NEAR GOVT. SCHOOL,
KUMBARA BEEDHI,
BIDARAHALLI HOBLI,
KADUGODI POST
BENGALURU EAST TALUK,
BENGALURU - 560067.

...PETITIONERS

(BY SRI LOKESH M., ADVOCATE FOR
SRI H. MAREGOWDA, ADVOCATE)

AND:

1. SRI M. CHANRASHEKAR NAIDU,
S/O SRI GURAPPA NAIDU,
AGED ABOUT 63 YEARS,
2. SMT. VARADAMMA,
W/O SRI M. CHANDRASHEKAR NAIDU,
AGED ABOUT 55 YEARS,





BOTH REP. BY THEIR SON
AND POWER OF ATTORNEY HOLDER,
SRI M. THULASI PRASAD,
AGED ABOUT 33 YEARS,
S/O SRI M. CHANDRASHEKAR NAIDU,
R/AT No.148/X, 4TH MAIN,
KATHARIGUPPE EAST,
BANASHANKARI III STAGE,
BENGALURU - 560085.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 09.06.2025 ON THE APPLICATION (I.A.No.2) FILED UNDER ORDER VI RULE 17 CPC, FILED BY THE R-1 AND 2 PASSED BY THE HON'BLE IV ADDL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT BENGALURU IN O.S. 1369/2019 VIDE 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 M. Lokesh, learned counsel appearing for Sri H. Maregowda, learned counsel for the petitioners.

2. This writ petition is filed by defendant Nos.1 and 2 in O.S. No.1986/2021 (old O.S. No.1369/2019), challenging the order dated 09.06.2025 passed on I.A. No.2 filed under Order VI Rule 17 of the Code of Civil Procedure, 1908 [for short, 'CPC'], on the file of the IV Additional Senior Civil Judge, Bengaluru Rural



District [trial Court]. The suit is one for permanent injunction. During the pendency of the suit and prior to the commencement of trial, the plaintiffs filed an application seeking to incorporate an alternative prayer, which has been allowed by the trial Court.

3. Learned counsel for the petitioners submits that the application was filed with the intent to delay the proceedings of the suit and to harass the defendants. It is further submitted that the prayer so allowed would alter the nature of the suit.

4. Considered the submissions of learned counsel for the petitioners.

5. The amendment application proposes the following amendment:

"12 (a): *The plaintiffs pray that this Hon'ble Court be pleased to permit the plaintiffs to reserve liberty under Order II Rule 2 of CPC for initiating such proceedings that may be essential to adjudicate their rights in respect of the property in their lawful settled possession as on the date of filing the suit."*

6. Considering the relief claimed in the suit and the nature of the amendment sought, the trial Court has allowed the



application, holding that the trial has not yet commenced and that the proposed amendment is only to reserve liberty under Order II Rule 2 of the CPC. The trial Court has observed that the omission to include the alternative prayer at the time of filing the suit was inadvertent or due to oversight. It has further held that the pleadings sought to be introduced by way of amendment are necessary for proper adjudication of the matter and that no prejudice would be caused to the defendants if the amendment is allowed. The trial Court has also granted an opportunity to the defendants to file an additional written statement.

7. The amendment so allowed is in conformity with the order of the Co-ordinate Bench of this Court in ***Writ Petition No.108512/2025 (GM-CPC)***, dated ***16.12.2025***, wherein it has been held that an amendment can be allowed to seek relief in the alternative, which is in the nature of a lesser relief than that already claimed. It has further been held that amendment is permissible to seek additional or ancillary relief to the main relief, where such relief is founded on the pleadings already on record.



8. In the light of the order passed by the Co-ordinate Bench of this Court, the order of the trial Court is justified. No ground is made out for interference. Accordingly, the writ petition stands ***dismissed***.

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

MV
List No.: 1 Sl No.: 13