



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF JANUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR**

**WRIT PETITION NO. 28926 OF 2025 (GM-CPC)**

**BETWEEN:**

1. SRI K S MAHALINGAIAH  
S/O LATE SIDDAPPA,  
AGED ABOUT 50 YEARS,  
R/AT K GOLLAHALLI VILLAGE AND POST,  
KENGARI HOBLI,  
BENGALURU SOUTH TALUK-560060

...PETITIONER

(BY SRI. ANAND BEERANNAVAR., ADVOCATE)

**AND:**

1. SRI GANGAREDDY  
S/O LATE MUNIYAPPA,  
AGED ABOUT 55 YEARS,  
R/AT NO.11, NEAR BY  
ANJANEYA SWAMY TEMPLE,  
GOLLAHALLI VILLAGE AND POST,  
KASABA HOBLI, NELAMANGALA TALUK,  
BENGALURU RURAL DISTRICT-562123.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD. 20.08.2025 IN O.S.NO.1666/2019 ON THE FILE OF FIRST ADDL. CIVIL JUDGE BENGALURU RURAL DISTRICT, BENGALURU WHICH IS PRODUCED AS ANNEX-E AND ETC.,

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





CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

**ORAL ORDER**

This petition by the defendant in O.S.No.1666/2019 on the file of the I Additional Civil Judge, Bangalore Rural District, Bangalore is directed against the impugned order dated 20.08.2025, whereby the application-I.A.No.II filed by the respondent/plaintiff under Order VI Rule 17 of CPC for amendment of the plaint by incorporating an additional relief for payment of Rs.5,00,000/- was allowed by the trial Court.

2. Heard learned counsel for the petitioner and perused the material on record.

3. A perusal of the material on record will indicate that the respondent/plaintiff instituted the aforesaid suit against the petitioner/defendant for recovery of a sum of Rs.5,00,000/- together with interest and other reliefs. The said suit having been contested by the petitioner/defendant, the respondent/plaintiff adduced oral and documentary evidence after which, the matter was posted for defendant's evidence at which stage, the respondent/plaintiff filed an application-I.A.No.II seeking amendment of the prayer column for an



additional sum of Rs.5,00,000/-. The said application having been opposed by the petitioner/defendant, the trial Court proceeded to pass the impugned order allowing the application, by holding as under:

"ORDER ON IA No.II

*The plaintiff has filed application Under Order 6 Rule 17 R/w section 151 of CPC, seeking permission to amend the plaint as sought in the application.*

*2. The reasons ventilated by the plaintiff in the affidavit annexed to the application is that the plaintiff has filed the present suit against the defendants seeking recovery of amount Rs.5,00,000/- covered under the cheque No.927979 Bytarayanapura Bangalore now the matter is posted for further evidence of the plaintiff. It is further submitted that, plaintiff came to know that specific prayer for direction to mentioning the prayer to pay Rs.5,00,000/- was left out in the prayer Colum, in the plaint averment. Hence prays to allow the application.*

*3. Per contra, the defendant has filed the objection, in the objection it is contended that, the application filed by the plaintiff is not maintainable either in law or on facts and same is liable to be dismissed in limine. The suit is filed on 11.12.2019 and the cause of action is shown to be on 21.03.2019, 18.04.2019 and 29.08.2019, as per their own averments made in the paragraph No.8 of the plaint when multiple date of cause of action are claimed, the last dated mention which is 29.08.2019 if it is considered for the purpose of limitation, even then also the relief which the plaintiff wants to insert under the prayer seeking for claim of Rs.5,00,000/- is barred by limitation, the plaintiff cannot be permitted to make*



*an amendment seeking for relief which is barred by limitation. Hence prays to dismiss the application.*

*4. Heard arguments from plaintiff side. The defendant has not canvassed his side arguments. Hence defendant side arguments is taken as not canvassed.*

*5. After going through the application with affidavit points arise for my consideration are;*

*1. Whether the plaintiff has made out sufficient grounds to amend the plaint?*

*2. What order ?*

*6. My answer to the above points are as under:*

*Point No.1: In the Affirmative.*

*Point No.2: As per the final order for the following:*

### **REASONS**

*7. **Point No.1 :** The plaintiff has filed the present suit against the defendants seeking recovery of amount Rs.5,00,000/- covered under the cheque No.927979 Bytarayanapura Bangalore.*

*8. Through this application, the plaintiff has sought to amend the plaint as sought for directing the defendant to pay Rs.5,00,000/- covered under the cheque No.927979 dated 21.03.2019 drawn on Canara Bank Bytarayanapura Bangalore along with cost of the suit.*

*9. As per Section 101 to 103 of Indian Evidence Act, the burden is on the plaintiff to prove his pleadings with proof on documentary and oral evidence. It is settled principle of law that, at the time of considering the amendment application the*



*court must not go into the merits of the case. No prejudice will be caused to the defendant, if this application is allowed. On the other hand, if this application is rejected, the plaintiff is deprived with an opportunity to put forth their case. The plaintiff has sought to amend, directing the defendant to pay Rs.5,00,000/- covered under the cheque No.927979 dated 21.03.2019 drawn on Canara Bank Bytarayanapura Bangalore along with cost of the suit. On perusal of the entire pleadings the suit filed by the plaintiff is with regard to recovery of amount of Rs.5,00,000/-. If the amendment application is not allowed definitely the same will lead to multiplicity of proceedings. In order to avoid multiplicity of proceedings it is just and necessary to allow the application. In the touchstone of the reasons stated above, I answer **Point No.1 in the Affirmative.***

**10. Point No.2 :** *In view of my findings on Point No.1, I proceed to pass the following:*

**ORDER**

*The IA No.II filed by the plaintiff Under Order VI Rule 17 R/w Sec.151 of C.P.C. is hereby allowed on cost of Rs.500/-.*

*The plaintiff is permitted to amend the plaint and to file the amended plaint."*

4. Aggrieved by the impugned order, the petitioner is before this Court by way of the present petition.

5. A perusal of the material on record including the impugned order will indicate that the trial Court has correctly and properly come to the conclusion that the proposed



amendment was relevant and necessary for the purpose of adjudication of the issues in controversy between the parties.

6. Under these circumstances, I do not find any illegality or infirmity with the impugned order warranting interference by this Court in the present petition.

7. Insofar as the contention urged by the petitioner that the proposed amendment was barred by limitation is concerned, in the light of the principles laid down by the Apex Court in the cases of ***Sampath Kumar v. Ayyakannu and Ors*** reported in ***AIR 2002 SC 3369*** and ***L.C.Hanumanthappa v. H.B.Sanjeev Builders Private Limited and ors*** reported in ***AIR 2022 SC 4256***, the proper course of action would be to permit amendment by directing that the proposed amendment does not relate back to the date of the suit but shall be reckoned/considered from the date of the filing of the amendment application, which was filed on 24.10.2024 and by leaving open the contention regarding limitation to be decided along with other issues in the suit and as such, the impugned order deserves to be clarified accordingly.



8. In the result, the following:

**ORDER**

- i) Petition is hereby ***disposed of*** without interfering with the impugned order passed by the trial Court.
- ii) IA No.II filed by the respondent/plaintiff is hereby allowed and amendment is permitted subject to the condition that the proposed amendment shall not relate back to the date of the suit but shall be reckoned/considered from the date on which the I.A.II was filed i.e., from 24.10.2024.
- (iii) Liberty is reserved in favour of the petitioner/defendant to file additional written statement to the amended plaint and raise all defences including maintainability, jurisdiction, limitation, identity of property etc., which shall be considered by the trial Court in accordance with law.
- (iv) All rival contentions on all aspects including limitation etc., are kept open to be decided by the trial Court and no opinion is expressed on the same.

**Sd/-**  
**(S.R.KRISHNA KUMAR)**  
**JUDGE**