®

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.201536 OF 2024 (GM-RES)

BETWEEN:

1. BABURAO
S/O SAIBANNA,
AGED ABOUT 58 YEARS,
OCCUPATION AGRI AND BUSINESS
AND SOCIAL SERVICE,
R/O. H.NO.1-8-75,
BRAMANWADI
STATION ROAD, RAICHUR-586 101.

…PETITIONER

(BY SRI. AMEETH KUMAR DESHPANDE, SENIOR ADVOCATE ALONG WITH SRI. GANESH SUBHASHCHANDRA KALABURAGI, SRI DESHPANDE G.V., SRI ANANTHA S.,
SRI JAHAGIRDAR, ADVOCATES)

AND:

THE STATE OF KARNATAKA
THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF PARLIAMENTARY
AFFAIRS AND LEGISLATION,
VIDHANA SOUDHA,
BENGALURU-560 001.

…RESPONDENT

(BY SRI. KIRAN V. RON, AAG.,
SRI MALHARA RAO, AAG AND
SRI Y.H. VIJAY KUMAR, AAG
ALONG WITH SRI SHESHADRI JAISHANKAR M., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT THE KARNATAKA CIVIL COURTS (AMENDMENT) ACT, 2023 (ACT NO.33 OF 2024) AND THE KARNATAKA HIGH COURT (AMENDMENT) ACT, 2023 (ACT NO.32 OF 2024) PUBLISHED IN PART IVA OF KARNATAKA STATE SPECIAL GAZETTE DATED 19 JUNE 2024 AT NO.291 AND NO.292 RESPECTIVELY, WHICH ARE AT ANNEXURES-B AND C RESPECTIVELY ARE ULTRA VIRES THE CONSTITUTION OF INDIA AND CONSEQUENTLY ARE VOID AND INEFFECTIVE, ETC.

THIS WRIT PETITION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 11.07.2025 AT KALABURAGI BENCH, COMING ON FOR PRONOUNCEMENT THIS DAY, ORDER WAS PRONOUNCED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

CAV ORDER

1. The writ petition is filed challenging the constitutional validity of the Karnataka Civil Courts (Amendment) Act, 2023 and Karnataka High Court (Amendment) Act, 2023 with the following prayers:-

> *"Therefore, it is most humbly prayed that this Honourable court may be pleased to issue an appropriate writ, moreso in the nature of certiorari and declaration and grant the following reliefs:*
>
> *1. Declare that The Karnataka Civil Courts (Amendment) Act, 2023 (Act No.33 of 2024) and The*

Karnataka High Court (Amendment) Act, 2023 (Act No.32 of 2024) published in Part IVA of Karnataka State Special Gazette dated 19 June 2024 at No.291 and No.292 respectively, which are at Annexures B and C respectively are ultra vires the Constitution of India and consequently are void and ineffective, and

Alternatively, read down the provisions of The Karnataka Civil Courts (Amendment) Act, 2023(Act No.33 of 2024) and The Karnataka High Court (Amendment) Act, 2023 (Act No.32 of 2024) published in the Part IVA of Karnataka Special State Gazette dated 19 June 2024 at No.291 and No.292 respectively, which are at Annexure B and C respectively, to make its application prospective in nature, that is, to clarify that the said Amendment Acts, 2023 would not have any effect on the pending proceedings, and,

2. Grant any other appropriate writ, order or direction, as may be deemed necessary in the facts and circumstances of the case, in the interest of justice."

2. The Karnataka Civil Courts (Amendment) Act, 2023 has been passed amending Sections 17 and 19 of the Act. The Sections as it stood before amendment and thereafter, reads as under:-

"17. Jurisdiction of Civil Judge.— *The jurisdiction of a Court of a Civil Judge shall extend to all original suits and proceedings of a civil nature, not otherwise excluded from the Civil Judge's jurisdiction, of which the amount*

or value of the subject matter does not exceed five lakh rupees."

*"**2. Amendment to Section 17**.—In section 17 of the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964) (hereinafter referred to as the Principal Act)" for the words, "five lakh rupees" the words "fifteen lakh rupees" shall be substituted."*

*"**19. Appeals from Senior Civil Judge**.—Appeals from the decrees and orders passed by a Senior Civil Judge in original suits and proceedings of a civil nature, shall, when such appeals are allowed by law, lie,—*

(1) to the District Court, when the amount or value of the subject matter of the original suit or proceeding does not exceed ten lakh rupees;

(2) to the High Court, in other cases."

"3. Amendment to section 19.- For section 19 of the Principal Act, the following shall be substituted, namely,-

*"**19. Appeals from Senior Civil Judge**.—Appeals from the decrees and orders passed by a Senior Civil Judge in original suits and proceedings of a civil nature, shall, when such appeals are allowed by law, lie to the District Court."*

3. In addition to the above, Section 4 of the Karnataka Civil Courts (Amendment) Act, 2023, reads as under:-

*"**4. Power to remove difficulty**.—All amendments made to the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964), by this amendment Act shall come into*

force retrospectively with effect from 28.08.2007. If any difficulty arises in giving effect to the provisions of the Karnataka Civil Courts Act, 1964, as amended by this Act, the State Government may, as occasion arises, by an order published in the Official Gazette, do anything, not inconsistent with the provisions of the Karnataka Civil Courts Act, 1964 amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act."

4. The Karnataka High Court (Amendment) Act, 2023 has been passed amending Sections 2 and 5 of the Act. The Sections as it stood before amendment and thereafter, reads as under:-

***"2. Definitions.**—In this Act,—*

(1) "Chief Justice" means the Chief Justice of the High Court of the State of Karnataka;

(2) "Criminal Appeal" means an appeal which, under any law for the time being in force, lies to the High Court from an order or sentence passed by a subordinate criminal court in the exercise of its original criminal jurisdiction;

(3) "First Appeal" means an appeal which, under any law for the time being in force, lies to the High Court, from a judgment, decree or order, made by a

subordinate civil court in the exercise of its original civil jurisdiction;

(4) "Full Bench" means a Bench consisting of not less than three Judges of the High Court;

(5) "High Court" means the High Court of the State of Karnataka;

(6) "Second Appeal" means an appeal which, under any law for the time being in force, lies to the High Court from a judgment, decree or order passed by a subordinate civil court in the exercise of its appellate civil jurisdiction."

*"**2. Amendment to section 2.-** In section 2 of the Karnataka High Court Act, 1961 (Karnataka Act 05 of 1962) (herein after referred to as the Principal Act),-*

(i) for sub-section (3), the following shall be substituted, namely.-

"(3) "First Appeal" means an appeal which, under any law for the time being in force, lies to the High Court, from a Judgment, Decree or an Order made by a City Civil Judge in the exercise of Original Jurisdiction including any orders appealable under Section 104 of the Code of Civil Procedure (CPC) by a subordinate Civil Court."

(ii) for sub-section (6), the following shall be substituted, namely,-

"(6) "second Appeal" means an appeal which, under any law for the time being in force, lies to the High Court, from a Judgment, Decree or

an order made by a Senior Civil Judge or District Judge in the exercise of Appellate Jurisdiction."

[5. First appeals.—*Save as otherwise provided in this Act,—*

(i) all First Appeals against a decree or order passed in a suit or other proceedings, the value of subject matter of which exceeds fifteen lakh rupees shall be heard by a Bench consisting of not less than two Judges of the High Court and other First Appeals shall be heard by a Single Judge of the High Court.

(ii) all Criminal Appeals against Judgments in which sentence of death or imprisonment for life is passed and against Judgments of acquittal in cases in which offences are punishable with death or imprisonment for life shall be heard by a Bench consisting of not less than two Judges of the High Court and other Criminal Appeals shall be heard by a Single Judge of the High Court.

"3. Amendment to section 5.- *in section 5 of the Principal Act, for clause (i), the following shall be substituted, namely,-*

"(i) All First Appeals shall be heard by a Single Judge of the High Court."

5. In addition to the above, Section 4 of the Karnataka High Court (Amendment) Act, 2023, reads as under:-

4. Power of Remove Difficulty.- *If any difficulty arises in giving effect to the provisions of the*

Karnataka High Court Act, 1961, as amended by this Act, the State Government may, as occasion arises, by an order published in the Official Gazette, do anything, not inconsistent with the provisions of the Karnataka High Court Act, 1961, amended by this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act."

6. The effect of amendment to the Karnataka Civil Courts Act, 1964 is as follows:-

i. All appeals from the decrees and orders of Senior Civil Judges will now lie to District Court without any pecuniary limits.

ii. This removes the earlier distinction where appeal from suits valued above Rs.10,00,000/- had to be filed in the High Court.

iii. The amendment is given retrospective effect from 28.08.2007.

7. The amendment to the Karnataka High Court Act, 1961, has the following effect:-

i. First Appeal to the High Court will now mean only those appeals arising from the judgment and decree passed by City Civil Judges and excludes the

judgment and decree passed from Senior Civil Judges in Districts.

ii. All First Appeals to High Court shall now be heard by a Single Judge, irrespective of the pecuniary limits.

8. The amendments have been challenged on the following grounds:-

i. The amendment adversely affects the petitioner's vested right to the forum of appeal, which is not merely a matter of procedure but a substantive right.

ii. The retrospective effect given to the Karnataka Civil Courts Act, 1964 is arbitrary, unreasonable and in violation of Article 14 of the Constitution of India.

iii. The amendment acts do not specify any saving clause to protect pending appeals before the High Court and even when the appeals are already heard and reserved for judgments, will now have to be reheard afresh by the new forum.

9. Per contra, the respondent - State justifies the amendments made to Karnataka Civil Courts (Amendment) Act, 2023 and Karnataka High Court (Amendment) Act, 2023 and prays for dismissal of the writ petition.

10. It is further submitted on behalf of the State that subsequent to passing of the amendment, a notification has

been issued in respect of the Karnataka Civil Courts Act, 1964 which reads as under:-

"**ORDER NO.LAW-LCE/242/2023, Bengaluru, Dated: 24.06.2024.**

In exercise of the powers conferred by Section 4 of Karnataka Civil Courts (Amendment) Act, 2023 (Karnataka Act No.33 of 2024), the Government of Karnataka hereby notifies that, the amended provisions of the Karnataka Civil Courts (Amendment) Act, 2023 (Karnataka Act No.33 of 2024) shall operate prospectively, that is, with effect from 19.06.2024.

By order and in the name of the
Governor of Karnataka.

Sd/-
(G.S.Sangreshi)
Principal Secretary of Government
Law, Justice and Human Rights
Department."

11. It is further submitted that in the light of the aforementioned notification, the alternative prayer made by the petitioner in the writ petition is satisfied and the writ petition becomes infructuous.

12. The questions that arise for consideration in this petition are as under:-

i. Whether the Karnataka Civil Courts (Amendment) Act, 2023 is valid in law?

ii. Whether the Karnataka High Court (Amendment) Act, 2023 is valid in law?

iii. What is the effect of the notification bearing Order No.LAW-LCE/242/2023, Bengaluru, Dated:24.06.2024, on the aforementioned amendments?

13. Appeal is a substantive right granted by statute. Unless it is expressly provided for, a litigant cannot exercise a right of appeal. Depending upon the requirements in the Society, it is for the legislature to enact the necessary legislation in respect of making available the right of appeal to any litigant.

14. Learned Additional Advocate General in the course of arguments submitted that taking into consideration the huge pendency of first appeals before the Karnataka High Court and a large number of District Judges available in the State, an amendment is brought about to the Karnataka Civil Courts Act, 1964 and the Karnataka High Court Act, 1961 wherein the first appeal from the Civil Judge (Senior Division) would now be heard by the District Court.

15. The aforementioned contention of the learned Additional Advocate General is indeed supported by statistics in respect of the pending first appeals before the High Court of Karnataka.

16. In respect of the first appeals that lie to High Court from City Civil Courts, it is the submission of the learned Additional Advocate General that considering the increased value of land and other transactions, that people are entering into and the increased valuation of suits, State is of the opinion that it would be appropriate for a Single Judge of the High Court to hear all the first appeals instead of a Division Bench.

17. It is further submitted by the State that both the decisions are not in violation of the objects of their respective Acts or the Constitution of India.

18. In respect of the present cases that are being heard by the High Court, it is submitted by the State that one of the objects of the amendment is to reduce the pendency before the High Court and the time taken for deciding the first appeals. It is submitted that in some of the cases, a few litigants may be put to hardship, but that is not a ground for setting aside the amendments, as the same has been passed in accordance with law and none of the rights of the litigants are violated.

19. The petitioner though has relied upon the following citations,

1. Bhagat Ram Sharma v. Union of India - AIR 1988 SC 740.

2. Allahabad University v. Geetanjali Tiwari (Pandey) - Civil Appeal Nos.12411-12414/2024.

3. Cochin Devaswom Board v. Vamana Setti - AIR 1966 SC 1980.

4. Gram Panchayat v. Kesho Narain - AIR 1964 Punjab 462.

on facts none of them are applicable to the present case and the petitioner has failed to show how the ratio laid down in the said cases are applicable to the present case on hand and it warrants interference at the hands of this Court.

20. Thus, the amendments made to the Karnataka Civil Courts Act, 1964 and the Karnataka High Court Act, 1961 insofar as it relates to appeals from the Civil Judge (Senior Division) lying to the District Court, and the first appeals lying to the High Court from the City Civil Court being heard by a Single Judge irrespective of pecuniary jurisdiction, cannot be found fault with and are perfectly valid in law.

21. The other question that is required to be answered is the validity of giving retrospective effect to the Karnataka Civil Courts (Amendment) Act, 2023 from 28.08.2007 and notification issued by the State by way of Order No.LAW-LCE/242/2023, Bengaluru, Dated:24.06.2024.

22. Section 4 of the Karnataka Civil Courts (Amendment) Act, 2023 gives power to the State Government to issue such orders to remove difficulty that may arise in giving effect to the Act. But the notification dated 24.06.2024 does not remove any difficulty in giving effect to the Act, but has the effect of amending Section 4 of the Karnataka Civil Courts Act, 2023. Thus, the State Government is not entitled to do it by way of a notification or a Government order. It requires a fresh amendment to the statute to be passed by the State Legislature. In the light of the same, the Order No.LAW-LCE/242/2023, Bengaluru, Dated:24.06.2024 (notification) is bad in law and it does not take away the retrospective effect given to the Karnataka Civil Courts (Amendment) Act, 2023 with effect from 28.08.2007.

23. In the light of the same, it is essential to analyze whether the retrospective effect given to the amendment Act is arbitrary, unreasonable or otherwise valid in law.

24. The Karnataka Civil Courts Act was enacted in the year 1964. Section 4 of the Karnataka Civil Courts (Amendment) Act, 2023 gives retrospective effect to the amendment from 28.08.2007. The learned Additional Advocate General was unable to justify why that particular date was chosen. Further,

he was also unable to clarify as to what happens to the cases already decided from 28.08.2007 till today, as there is no saving clause enacted regarding the same. On the contrary, learned Additional Advocate General submitted that the State amendment giving retrospective effect to the Karnataka Civil Courts Act from 28.08.2007 was a mistake and does not make any sense and hence, Order No.LAW-LCE/242/2023, Bengaluru, Dated:24.06.2024 has been passed giving the Karnataka Civil Courts (Amendment) Act, 2023, a prospective effect.

25. Giving retrospective effect to Karnataka Civil Courts (Amendment) Act, 2023 from 28.08.2007, will result in the cases already decided by the Courts that had jurisdiction prior to the amendment but after 28.08.2007 being nullified in the absence of a saving clause. This leads to absurdity, and the amendment giving retrospective effect will have to be considered arbitrary and unreasonable and warrants interference at the hands of this Court.

26. The object of the amendments is to reduce the pendency of first appeals in the High Court by vesting such jurisdiction in District Court where the Presiding Officers are more in number and are also competent to hear the same thereby, reducing the duration of the appeal. This is in respect of appeals from Civil

Judge (Senior Division). Similarly, is the object in providing for first appeals from the City Civil Court to be heard by a Single Bench of the High Court rather than a Division Bench. Regarding retrospective effect, the submission of the learned Additional Advocate General and the subsequent notification issued by the State (though not legally valid) shows that giving retrospective effect to the Karnataka Civil Courts (Amendment) Act, 2023 was a mistake and that was not intended by the Legislature. Further, as observed above, giving retrospective effect from 28.08.2007 leads to an absurd and anomalous situation and it has to be construed arbitrary and unreasonable.

27. The Hon'ble Apex Court in the case of ***CALCUTTA GUJARATI EDUCATION SOCIETY AND ANOTHER vs. CALCUTTA MUNICIPAL CORPN. AND OTHERS*** reported in ***(2003) 10 SCC 533,*** in paragraph No.35 has held as under:-

> **35.** The rule of "reading down" a provision of law is now well recognised. It is a rule of harmonious construction in a different name. It is resorted to to smoothen the crudities or ironing out the creases found in a statute to make it workable. In the garb of "reading down", however, it is not open to read words and expressions not found in it and thus venture into a kind of judicial legislation. The rule of reading down is to be used for the limited purpose of making a particular provision workable and to bring it in harmony with other provisions

of the statute. It is to be used keeping in view the scheme of the statute and to fulfil its purposes. See the following observations of this Court in the case of *B.R. Enterprises v. State of U.P. [(1999) 9 SCC 700].*

> "[F]irst attempt should be made by the courts to uphold the charged provision and not to invalidate it merely because one of the possible interpretations leads to such a result, howsoever attractive it may be. Thus, where there are two possible interpretations, one invalidating the law and the other upholding, the latter should be adopted. For this, the courts have been endeavouring, sometimes to give restrictive or expansive meaning keeping in view the nature of legislation, maybe beneficial, penal or fiscal etc. Cumulatively it is to subserve the object of the legislation. Old golden rule is of respecting the wisdom of legislature that they are aware of the law and would never have intended for an invalid legislation. This also keeps courts within their track and checks individual zeal of going wayward. Yet in spite of this, if the impugned legislation cannot be saved the courts shall not hesitate to strike it down. Similarly, for upholding any provision, if it could be saved by *reading it down*, it should be done, unless plain words are so clear to be in defiance of the Constitution. These interpretations spring out because of concern of the courts to salvage a legislation to achieve its objective and not to let it fall merely because of a possible ingenious

> interpretation. The words are not static but dynamic. This infuses fertility in the field of interpretation. This equally helps to save an Act but also the cause of attack on the Act. Here the courts have to play a cautious role of weeding out the wild from the crop, of course, without infringing the Constitution. For doing this, the courts have taken help from the preamble, Objects, the scheme of the Act, its historical background, the purpose for enacting such a provision, the mischief, if any which existed, which is sought to be eliminated. … This principle of reading down, however, will not be available where the plain and literal meaning from a bare reading of any impugned provisions clearly shows that it confers arbitrary, uncanalised or unbridled power."

28. The Hon'ble Apex Court in the case of ***AFCONS INFRASTRUCTURE LTD. & ANR. vs. CHERIAN VARKET CONSTRUCTION CO. (P) LTD. & ORS. (Civil Appeal No.6000 of 2010,, disposed of on 26.07.2010),*** in paragraph No.13 has held as under:-

> **"13.** The principles of statutory interpretation are well settled. Where the words of the statute are clear and unambiguous, the provision should be given its plain and normal meaning, without adding or rejecting any words. Departure from the literal rule, by making structural changes or substituting words in a clear statutory provision, under the guise of interpretation will pose a

great risk as the changes may not be what the legislature intended or desired. Legislative wisdom cannot be replaced by the Judge's views. As observed by this Court in a somewhat different context: "When a procedure is prescribed by the legislature, it is not for the court to substitute a different one according to its notion of justice. When the legislature has spoken, the judges cannot afford to be wiser."(See : Shri Mandir Sita Ramji vs. Lt. Governor of Delhi-(1975)4 SCC 298). There is however an exception to this general rule. Where the words used in the statutory provision are vague and ambiguous or where the plain and normal meaning of its words or grammatical construction thereof would lead to confusion, absurdity, repugnancy with other provisions, the courts may, instead of adopting the plain and grammatical construction, use the interpretative tools to set right the situation, by adding or omitting or substituting the words in the statute. When faced with an apparently defective provision in a statute, courts prefer to assume that the draftsman had committed a mistake rather than concluding that the legislature has deliberately introduced an absurd or irrational statutory provision. Departure from the literal rule of plain and straight reading can however be only in exceptional cases, where the anomalies make the literal compliance with a provision impossible, or absurd or so impractical as to defeat the very object of the provision. We may also mention purposive interpretation to avoid absurdity and irrationality is more readily and easily employed in relation to procedural provisions than with reference to substantive provisions.

13.1. Maxwell on *Interpretation of Statutes* (12th Edn., page 228), under the caption 'modification of the language to meet the intention' in the chapter dealing with 'Exceptional Construction' states the position succinctly:

> "Where the language of a statute, in its ordinary meaning and grammatical construction, leads to a manifest contradiction of the apparent purpose of the enactment, or to some inconvenience or absurdity, hardship or injustice, which can hardly have been intended, a construction may be put upon it which modifies the meaning of the words, and even the structure of the sentence. This may be done by departing from the rules of grammar, by giving an unusual meaning to particular words, or by rejecting them altogether, on the ground that the legislature could not possibly have intended what its words signify, and that the modifications made are mere corrections of careless language and really give the true meaning. Where the main object and intention of a statute are clear, it must not be reduced to a nullity by the draftsman's unskilfulness or ignorance of the law, except in a case of necessity, or the absolute intractability of the language used."

This Court in *Tirath Singh* v. *Bachittar Singh* [AIR 1955 SC 830] approved and adopted the said approach.

13.2. In *Shamrao V. Parulekar* v. *District Magistrate, Thana*, Bombay [AIR 1952 SC 324], this Court reiterated the principle from *Maxwell*:

> "..... if one construction will lead to an absurdity while another will give effect to what common sense would show was obviously intended, the construction which would defeat the ends of the Act must be rejected even if the same words used in the same section, and even the same sentence, have to be construed differently.

> Indeed, the law goes so far as to require the courts sometimes even to modify the grammatical and ordinary sense of the words if by doing so absurdity and inconsistency can be avoided."

13.3. In *Molar Mal* v. *Kay Iron Works (P) Ltd-2004*[(4) SCC 285, this Court while reiterating that courts will have to follow the rule of literal construction, which enjoins the court to take the words as used by the legislature and to give it the meaning which naturally implies, held that there is an exception to that rule. This Court observed:

> "That exception comes into play when application of literal construction of the words in the statute leads to absurdity, inconsistency or when it is shown that the legal context in which the words are used or by reading the statute as a whole, it requires a different meaning."

13.4. In *Mangin* v. *Inland Revenue Commission* [1971 (1) All.ER 179], the Privy Council held:

> "…..The object of the construction of a statute being to ascertain the will of the legislature it may be presumed that neither injustice nor absurdity was intended. If therefore a literal interpretation would produce such a result, and the language admits of an interpretation which would avoid it, then such an interpretation may be adopted."

13.5) A classic example of correcting an error committed by the draftsman in legislative drafting is the substitution of the words "defendant's witnesses" by this Court for the words "plaintiff's witnesses" occurring in Order VII Rule 14(4) of the Code, in *Salem Bar-II*. We extract below the relevant portion of the said decision:

> "Order VII relates to the production of documents by the plaintiff whereas Order VIII

> relates to production of documents by the defendant. Under Order VIII Rule 1A(4) a document not produced by the defendant can be confronted to the plaintiff's witness during cross-examination. Similarly, the plaintiff can also confront the defendant's witness with a document during cross-examination. By mistake, instead of 'defendant's witnesses', the words 'plaintiff's witnesses' have been mentioned in Order VII Rule (4). To avoid any confusion, we direct that till the legislature corrects the mistake, the words 'plaintiff's witnesses', would be read as 'defendant's witnesses' in Order VII Rule 4. We, however, hope that the mistake would be expeditiously corrected by the legislature."

13.6. Justice G.P. Singh extracts four conditions that should be present to justify departure from the plain words of the statute, in his treatise "*Principles of Statutory Interpretation*" (12th Edn.-2010, Lexis Nexis, page 144) from the decision of the House of Lords in *Stock* v. *Frank Jones (Tipton) Ltd.,* [1978 (1) All ER 948]:

> "…… a court would only be justified in departing from the plain words of the statute when it is satisfied that: (1) there is clear and gross balance of anomaly; (2) Parliament, the legislative promoters and the draftsman could not have envisaged such anomaly could not have been prepared to accept it in the interest of a supervening legislative objective; (3) the anomaly can be obviated without detriment to such legislative objective; (4) the language of the statute is susceptible of the modification required to obviate the anomaly."

29. Under the circumstances, the retrospective effect given to the Karnataka Civil Courts (Amendment) Act, 2023 will have to be considered as a mistake by the legislature and has to be

held as arbitrary and unreasonable leading to confusion, absurdity and repugnant to the other provisions of the Act.

30. Hence, the following:-

ORDER

i. The writ petition is ***allowed-in-part***.

ii. The retrospective effect given to the amendment from 28.08.2007 to the Karnataka Civil Courts Act as per Karnataka Act No.33 of 2024 is hereby set aside, and the amendment shall be given prospective effect.

iii. All other amendments to the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964), amended by way of Karnataka Civil Courts (Amendment) Act, 2023 (Karnataka Act No.33 of 2024) are upheld.

iv. Amendments to the Karnataka High Court Act, 1961 (Karnataka Act No.5 of 1962) amended by way of Karnataka High Court (Amendment) Act, 2023 (Karnataka Act No.32 of 2024) are upheld.

v. The pending first appeals shall be transferred to the jurisdictional Court as per the Karnataka Civil Courts (Amendment) Act, 2023 as expeditiously as possible and the judgments rendered till then by the Courts of competent jurisdiction as per un-amended provisions shall be valid.

vi. Similarly, ~~all judgments rendered by Division Bench of the High Court of Karnataka under the un-amended provisions shall be saved till the Karnataka High Court (Amendment) Act, 2023, is given effect to and acted upon.~~

vi. Pending interlocutory applications, if any, stand disposed of.

SD/-
(M.I.ARUN)
JUDGE

VMB