



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No. _____ OF 2026
[arising out of SLP (C) No. _____ OF 2026]
[Diary No. 63316 OF 2025]

SRI MUKUND MAHESWAR & ANR.

APPELLANTS

VERSUS

AXIS BANK LTD. & ORS.

RESPONDENTS

ORDER

1. Delay condoned.
2. Leave granted.
3. Upon the appellants presenting a writ petition under Article 226 of the Constitution¹, the Registry of the High Court of Telangana² raised certain objections which were to the effect that (i) the prayer in the writ petition needs revision; (ii) it needs to be clarified as to why (a) multiple relief has been claimed in a single prayer and (b) respondents 3, 4 and 9 were arrayed as respondents; and (iii) since the writ petition arises out of

¹ W.P. (SR). No.21402 of 2025

² High Court

the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002³ "*DB set is to be filed in IA Petition*".

4. The writ petition of the appellants was then placed before a Division Bench of the High Court with these objections, on 2nd July, 2025. The High Court upon hearing learned counsel appearing in support of the writ petition agreed with the office objections. While sustaining the office objections, the writ petition stood rejected and the Registry was directed to return the papers to counsel who had appeared before the Division Bench.

5. The order dated 2nd July, 2025 of rejection of the writ petition is assailed in this appeal.

6. Appellants are "borrower" within the meaning of Section 2(1)(f) of the Act. In their writ petition, the appellants alleged that an advocate was appointed as Commissioner by the relevant magistrate under Section 14 of the Act to take over possession of the secured asset; however, such commissioner, acting in a fraudulent manner and/or in collusion with the secured creditor, had taken over possession thereof without adhering to the provisions of the Act and the rules framed thereunder.

7. In a situation such as this, where the high prerogative writ jurisdiction of the High Court had been invoked by the appellants alleging fraud and collusion, the High Court erred in not bearing in mind the maxim "*fraus omnia corrumpit*" which translates to "fraud unravels everything". To nip a

³ Act

proceeding, where fraud and collusion are alleged, in the bud on a mere technicality is unjust as it allows such allegations to be buried without an examination of its merits.

8. Even otherwise, we find no merit in the office objections which the High Court erroneously sustained.

9. Requirement of Order VII Rule 7, Code of Civil Procedure, 1908⁴ is that relief claimed ought to be specifically stated. It is, therefore, all about comprehension as to what relief the petitioner/plaintiff⁵ urges the court to grant to him. Having read the prayer clauses, there can be no doubt as to the relief that the appellants sought from the High Court. Whether or not they are entitled thereto is altogether a different matter, which would come up for consideration once the High Court, in its discretion, decides to entertain the writ petition.

10. Law is well settled that when a suitor claims a larger or wider relief than what he is entitled to, his claim (be it a writ petition or a suit) cannot be dismissed by the court on that ground. Should the court find the suitor entitled to a lesser relief than the larger or wider relief claimed, there is no bar in granting such lesser relief. It is equally well settled that a court cannot grant a larger or wider relief to the suitor than that claimed by him. The grounds on the existence of which rejection of a plaint is permissible are traceable to Order VII Rule 11, CPC whereas dismissal of a writ petition

⁴ CPC

⁵ suitor

at the threshold is permissible on several grounds raised as objections to maintainability, which we need not dilate here; however, rejection of a writ petition on the ground that multiple relief has been claimed in a single prayer is, perhaps, unprecedented. Be that as it may, even if multiple relief in a single prayer has been claimed and if at all the High Court was of the view that relief should have been claimed separately, liberty to that extent by way of a correction of the prayer clause could have been granted. Further, should the prayer clause be found defective in any manner or not in the form required by the writ rules of the High Court, amendment of the prayers could have been permitted by the High Court to ensure that they conform to the writ rules. This would have been in consonance with the norms for amendment of pleadings, envisaged in Order VI Rule 17, CPC. Even, moulding of relief without insisting on amendment of the prayer clause, should a case be set up therefor, is not unknown to writ jurisprudence.

11. That apart, the High Court ignored that the appellant is *dominus litis*. It is for him to decide who is to be joined as a party and who is not to be joined. Registry cannot make inroads into areas within the exclusive domain of the judiciary and seek clarification as to why a particular party has been joined as a respondent. Unnecessary parties could be deleted by the High Court referring to principles flowing from Order I Rule 10, CPC. If any party has been mischievously joined with an intention to harass him or with some hidden ill-motive, it is open to the High Court to unearth the truth and deal with the situation appropriately on the judicial side.

12. We are pained to observe that there has been an abandonment of its judicial role by the High Court.

13. Since the writ petition of the appellants was rejected by the High Court in an unjust manner noted above, we see no reason to even issue notice to the respondents and hear them.

14. Objections raised by the Registry stand overruled and consequently, the order under appeal is set aside. This would result in revival of the writ petition, which shall be duly registered and marked as defect-free.

15. The appeal is, thus, allowed, keeping all points on merits open.

16. Registry of the High Court is required to place the writ petition of the appellants before the Chief Justice, whereafter the same may be placed before any Division Bench other than the one which passed the impugned order. Such bench may proceed to consider it in accordance with law bearing in mind what we have expressed above.

.....J.
[DIPANKAR DATTA]

.....J.
[SATISH CHANDRA SHARMA]

**New Delhi;
January 23, 2026.**