HC-KAR

NC: 2026:KHC:16570
CRP No. 211 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

CIVIL REVISION PETITION NO. 211 OF 2022

BETWEEN:

MR SURESH
S/O LATE A ANTHONY DASS
AGED ABOUT 50 YEARS
PRESENTLY R/AT NO.169/44-C
7TH CROSS, DODDAKUNTE
COX TOWN
BANGALORE 560005

...PETITIONER

(BY SRI. VINAYA KEERTHI., ADVOCATE)

AND:

MR. MURALIDHARAN V
S/O LATE VENKATESH
AGED ABOUT 54 YEARS
PRESENTLY R/AT NO.171/44E,
7TH CROSS, KADIRAPPA ROAD
DODDAKUNTE, COX TOWN
BANGALORE 560 005

...RESPONDENT

(BY SRI. P C NARASIMHAIAH., ADVOCATE)

Digitally signed by JUANITA THEJESWINI
Location: HIGH COURT OF KARNATAKA

THIS CRP IS FILED UNDER SECTION 18 OF KARNATAKA SMALL CAUSES COURT ACT, R/W SEC.151 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 03.01.2022 PASSED IN SC.NO.15054/2021 ON THE FILE OF THE V ADDITIONAL SMALL

CAUSES JUDGE AND XXIV ACMM COURT OF SMALL CAUSES MAYO HALL UNIT, BANGALORE (SCCH-20), DECREEING THE SUIT FOR EJECTMENT, AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

The Civil Rivision petition is filed under Section 115 of the CPC read with Section 18 of the Karnataka Small Causes Courts Act, 1964, at the hands of the defendant, who suffered a judgment and decree in S.C.No.15054/ 2021 on the file of the learned V Additional Small Causes Judge and 24th ACMM Court of Small Causes, Mayo Hall, Bangalore.

2. For the sake of convenience, the parties shall be referred to in terms of their ranking before the trial Court.

3. Learned counsel for the defendant submits that the impugned judgment is an *ex-parte* judgment, which is

clear from the judgment itself. In paragraph No.11 of the judgment it is clearly stated that however there is no dispute by the defendant who has failed to contest the suit and accordingly, point No.2 is answered in the affirmative. He further submits that the defendant claims that his father late Sri A. Anthony Dass had entered into an agreement of sale with the plaintiff's father late Sri Venkatesh, to purchase the petition schedule property for a sum of Rs.1,15,000/- under the agreement dated 17.04.1995. Pursuant to the agreement, the defendant's father paid the entire sale consideration to the plaintiff's father and sale deed was also executed by the plaintiff's father on 16.05.1995. In that view of the matter, learned counsel for the defendant submits that an opportunity should be afforded to the defendant to substantiate his contention by producing the relevant documents as evidence.

4. Learned counsel for the plaintiff however submits that the defendant cannot deny the fact that he

filed vakalath before the trial Court and after having filed the vakalath if the defendant has not contested the matter, no fault can be found with the plaintiff or with the Court. Further, it is submitted that the claim of the dependent is totally unfounded, since no registered sale deed is produced by the defendant.

5. On hearing the learned counsel for the petitioner and the learned counsel for the respondent, this Court is of the considered opinion that the matter should be decided on merits, after affording a reasonable opportunity to the petitioner who is the defendant in the suit. If the petitioner/the defendant is unable to substantiate his contention that his father has purchased the petition schedule property in accordance with law, then the petitioner/the defendant will again suffer an order of decree at the hands of the trial Court.

6. Nevertheless, this Court is one with the learned counsel for respondent, that the petitioner should be directed to pay the arrears of rents of Rs.21,000/- and

shall continue to deposit the rents before the trial Court, till the disposal of the suit.

7. Accordingly, the Civil Revision Petition is ***partly allowed***, by setting aside the impugned judgment and decree passed in S.C.No.15054/ 2021 on the file of the learned V Additional Small Causes Judge and 24th ACMM Court of Small Causes, Mayo Hall, Bangalore.

8. The matter stands remanded back to the trial Court with a direction to the parties herein to appear before the trial Court on **15.04.2026,** without waiting for further notice.

9. The trial Court shall permit the defendant to file statement of objections/written statement, record evidence of the parties, and thereafter, proceed in accordance with the law and endeavour to dispose off the suit as expeditiously as possible and at any rate within a period of six months from 15.04.2026.

10. Needless to observe that merely because the rents are paid by the defendant in terms of the decree passed and the direction issued by this Court, the same shall not be held against the defendant as accepting the relationship of landlord and tenant between the parties.

11. Ordered accordingly.

Sd/-
(R DEVDAS)
JUDGE

SSB