



CNR: KAHC010132232021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 19TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE T.M.NADAF
REGULAR FIRST APPEAL NO.302 OF 2021 (RES)

BETWEEN:

1. SMT. GEETA JAYARAMA REDDY,
W/O SRI. JAYARAM REDDY,
AGED ABOUT 50 YEARS,
2. SRI. JAYARAMA REDDY,
S/O BHOJA REDDY,
AGED ABOUT 52 YEARS,

BOTH ARE AT NO.486,
1ST MAIN ROAD,
7TH CROSS,VIJAYANAGAR,
BENGALURU – 560 040.

...APPELLANTS

(BY SRI. SHANKAR G., ADVOCATE)

AND:

1. SMT. SHARADAMMA
W/O LATE CHIKKA BYANA
AGED ABOUT 75 YEARS

SRI C NARAYANA @ BABU,
S/O LATE CHIKKA BYANNA,
SINCE DIED BY HIS LRS
- 2(a). SMT. KRUPA RANI BABU,
W/O LATE NARAYANA,
AGED ABOUT 36 YEARS,
- 2(b). MANITH N.,



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S/O LATE NARAYANA,
AGED ABOUT 10 YEARS,

2(c). PRATHEEKSHA N.,
D/O LATE NARAYANA,
AGED ABOUT 5 YEARS,

SINCE 2(b) AND 2(c) ARE MINORS
REPRESENTED BY THEIR MOTHER
AND NATURAL GUARDIAN
RESPONDENT NO.2(a)

ALL ARE ABOVE ARE RESIDING AT
RESIDING AT
NO.486, 7TH 'A' CROSS,
1ST MAIN ROAD, 2ND STAGE,
VIJAYANAGAR,
BENGALURU – 560 040.

3. SRI. K. THYAGARAJU,
NO.486, 1ST MAIN ROAD,
7TH CROSS, VIJAYANAGAR,
BENGALURU – 560 040.

...RESPONDENTS

(BY SRI. SHANMUKHAPPA., ADVOCATE FOR C/R1 AND R2(a-c))

THIS RFA IS FILED UNDER SECTION 96 OF CPC.,
AGAINST THE JUDGMENT AND DECREE DATED:21.03.2020
PASSED IN OS.NO.27300/2009 ON THE FILE OF THE LXXIV
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU,
DECREEING THE SUIT FOR EVICTION AND RECOVERY OF
ARREARS.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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ORAL JUDGMENT

As could be seen from the Order Sheet of the Appeal,
on 07.07.2021 this Court had passed Order on
I.A.No.3/2021 as under:

"ORDER ON I.A.3/2021

"I.A.3/2021 is filed by the appellants seeking extension of time to deposit the first installment amount as per the Court order dated 15.04.2021 till 05.07.2021 by further waive off the second installment deposit. On 15.04.2021, the impugned judgment and order of trial Court was stayed subject to the condition of the appellants depositing a sum of Rs.2,00,000/- within four weeks and another sum of Rs.2,00,000/- within four weeks thereafter, before the Court. It was also made clear that in case of non-compliance with the condition of deposit, interim order granted would automatically stand vacated. The only ground urged is that due to pandemic, he has suffered loss of business and he is not in a position to pay amount. The Trial Court after due hearing has passed the following order:- "Plaintiffs suit is decreed with costs. Defendants 2 & 3 are directed to vacate and hand over the vacant possession of the suit shop rooms to plaintiffs within a month from today, pay arrears of rent of Rs.1,54,800/- and damages/mesne profit at the rate of Rs.5,000/- per month from the date of the suit till they vacate and hand over the vacant possession of the suit shop rooms to plaintiffs." The action of



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the appellants in not vacating the premises and also not depositing the amount with the Court is unreasonable and cannot be accepted. However, as a last chance, two days time is granted to the appellants to deposit entire Rs.4,00,000/- before the Court, failing which, the interim order granted on 15.04.2021 stands automatically vacated."

2. However, there is nothing forthcoming regarding compliance of the Order dated 07.07.2021. Further, on 27.01.2023, this Court passed the order as under:

"Stay of all further proceedings in Ex.P.No.25016/2021 pending before the LXXIV Additional City Civil and Sessions Judge (CCH-75), Mayohall Unit, Bengaluru, till next date of hearing subject to condition that the appellants have to deposit Rs.1,54,800/- before this Court within a period of four weeks from today.

In the meantime, the appellants are directed to pay process to issue notice to the respondent No.3."

3. The Office Note indicates that Demand Draft for a sum of Rs.1,54,800/-, which has been deposited when sent to Bank for clearance, the same has been returned along with report stating 'Contact Drawer Drawee Bank and please present again'. Accordingly, the same is returned.



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4. The Office Note further indicates that the Demand Draft has expired and the same is returned and the learned Advocate for the appellant has not revalidated the Demand Draft.

5. This clearly shows that the appellant is not vigilantly prosecuting the appeal. In that view of the matter, the appeal stands ***dismissed*** for non prosecution.

**Sd/-
(T.M.NADAF)
JUDGE**

DR
List No.: 2 SI No.: 4
ct-vn