



CNR: KAHC010164362022

NC: 2026:KHC:40107
W.P. No.7724/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 31ST DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.7724/2022 (GM-CPC)

BETWEEN:

1. MUNEER PASHA
AGED ABOUT 38 YEARS
S/O LATE KHALEEL PASHA
AND SMT NAJABUNNISSA.
2. SMT. NASEEMA BI
AGED ABOUT 36 YEARS
W/O MUNEER PASHA.

BOTH ARE R/AT NO.155
RAILWAY STATION ROAD
ANCHEKERI ROAD
BANGALORE-560060.

...PETITIONERS

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. SUNIL, ADV., FOR
SRI. SHIVA SHARANAPPA M, ADV.,)

AND:

1. CHAND PASHA
AGED ABOUT 47 YEARS
S/O LATE KHALEEL PASHA
AND SMT. NAJABUNNISSA.
2. AMEER PASHA
AGED ABOUT 45 YEARS
S/O LATE KHALEEL PASHA
AND SMT. NAJABUNNISSA.



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3. SATAJ
AGED ABOUT 43 YEARS
D/O LATE KHALEEL PASHA
AND SMT. NAJABUNNISSA.

ALL ARE RESIDING AT NO.189
VINAYAKA NAGARA
NEAR VAIDIKABHAVAN
KENGARI SATELLITE TOWN
BENGALURU-560060.

...RESPONDENTS

(BY SRI. N. KUMAR, ADV., FOR R1 TO R3)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI, SET ASIDE THE ORDER PASSED ON IA NO. 7 U/S 151 OF CPC BY THE ORDER DATED 21.03.2018 MADE IN O.S. NO. 4224/2014 PENDING ON THE FILE OF X ADDL. CITY CIVIL AND SESSIONS JUDGE BANGALORE (CCH-26) ANNEXURE-E AND PERMIT THE PETITIONERS TO FILE OBJECTION AND CONTEST THE IA NO.7 ON MERITS BESIDES GRANTING RELIEFS OF OTHER NATURE, IN THE INTEREST OF JUSTICE & ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This petition is filed seeking the following reliefs:

"i) To issue writ of Certiorari, to set aside the order passed on IA.No.7 U/s 151 of CPC by the order dated: 21.03.2018 made in O.S.No.4224/2014 pending on the file of X Addl. City Civil & Sessions Judge Bangalore (CCH-26) Annexure-E and Permit the



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Petitioners to file objection and contest the IA.No.7 on merits besides granting reliefs of other nature, in the interest of justice.

ii) Consequently the set aside order's passed on IA.No.8 U/o 47 of CPC vide order dated 13.09.2021 made in O.S.No.4224/2014 pending on the file of X Addl. City Civil & Sessions Judge Bangalore (CCH-26) Annexure-K besides granting relief's of other nature, in the interest of justice.

iii) Issue such other Writ or Order or Direction which this Hon'ble court deems fit in the circumstances of the above case, in the interest of justice and equity."

2. Heard the arguments on both sides and perused the material available on record.

3. The respondents filed OS.No.4224/2014 against the petitioners herein seeking reliefs of partition and separate possession of their one-fourth share each in the schedule property, permanent injunction and a declaration that the gift deed dated 25.08.2010 executed between the defendants is not binding on the plaintiffs and the consequential reliefs of perpetual injunction. In the said suit, the petitioners/defendants filed a detailed written statement denying the plaint averments. Thereafter, the



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plaintiffs filed an application in IA.No.7 under Section 151 of Code of Civil Procedure, 1908, (hereinafter referred as 'CPC'), seeking a direction to the defendants to deposit before the trial Court the rental income generated from the suit schedule property, consisting of ground and first floor with four tenements let out on monthly rental till final disposal of the suit. The said application of the plaintiffs was supported by an affidavit, wherein the plaintiffs made certain assertion that they are entitled to a share in the suit property, and the defendants are collecting the rental income. The trial Court, under the impugned order dated 21.03.2018 passed the following order:

"Sri SSM advocate filed power for defendant No.2.

IA.No.7 filed by the plaintiff u/s 151 of CPC seeking the direction against the defendants to deposit monthly rents in the court, for which defendants failed to file objections. Hence said application is allowed. Defendants are directed to deposit the rents in the court.

Plaintiff examined as PW-1. Ex.P1 to P22 are marked.

For cross of PW-1 by 26.04.2018."



4. The aforesaid order indicates that the trial Court allowed the plaintiffs' application solely on the ground that the defendants had not filed objections to I.A. No.7. The trial Court has assigned no reasons, whatsoever as to why rental is required to be deposited. It is to be noticed that the petitioners sought review of the said order by filing an application in IA.No.8. The trial Court, vide order dated 13.09.2021, rejected the review by observing that no grounds had been made out and that the earlier order had not been complied with by the defendants. It is further required to be noticed that the trial Court while allowing IA.No.7 filed by the plaintiffs seeking for deposit of rent by the defendants is without any reason whatsoever, and such an order is not a judicial order in the eye of law. For the above reasons, the orders impugned calls for interference.

5. The trial Court is expected to consider the rival submissions and pass a reasoned order as to whether the prayer sought by the plaintiffs against the defendants to



deposit the amount is required to be granted or not. In the absence of any reasons, allowing the application by impugned order is perverse and in violation of the principles that the order should be sustained with the reasons.

6. It must be observed that the judicial order must contain reasons, because reasons are the heartbeat of every conclusion or the decision arrived at by the Court. Reasons ensure fairness, transparency, and speaks as to how the contentions advanced are addressed by the Court. In the absence of any such reasons, the order can be called as a cryptic order only with decision without there being any reasons, and on this ground alone, the orders of the trial Court call for interference. Hence, I proceed to pass the following:

ORDER

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



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ii. The impugned orders dated 21.03.2018 passed on IA.No.7 and 13.09.2021 passed on IA.No.8 in OS.No.4224/2014 by the X Additional City Civil & Sessions Judge, Bengaluru (CCH-26), are hereby set aside.

iii. The trial Court shall consider IA.No.7 filed by the respondents/plaintiffs on merits and in accordance with law after providing an opportunity to the parties, by assigning detailed reasons.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 29