



NC: 2026:KHC:23214-DB
RFA No. 593 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

PRESENT

HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

REGULAR FIRST APPEAL NO. 593 OF 2026 (EJE)

BETWEEN:

SMT. ANURADHA ANIL S
W/O ANIL S. BHASKAR
AGED 58 YEARS,
NO.B-102, 1ST FLOOR,
TEMPLE MEADOWS,
NO.3/13, INDUSTRIAL LAYOUT,
BSK II STAGE,
BENGALURU 560 070.

...APPELLANT

(BY SRI. SOMEGOWDA A. N., ADVOCATE)

AND:

SMT. VATSALA MADAN
W/O K.S. MADAN GOPAL
AGED 67 YEARS,
NO.683/A/29,
11TH 'B' MAIN,
5TH BLOCK,
JAYANAGAR,
BENGALURU 560 041.
REPRESENTED BY HER SON AND GPA HOLDER
SRI. K.M. VISHAK NAG

...RESPONDENT

(BY SRI. T.H.NARAYAN, ADVOCATE)

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA



THIS RFA IS FILED UNDER SEC 96 R/W ORDER 41 RULE 1 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 12/12/2025 PASSED IN OS 2607/2023 ON THE FILE OF THE XXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-14) AT BENGALURU, DECREETING THE SUIT IN ITS ENTIRETY AND CONSEQUENTLY DISMISS THE SUIT, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. The present appeal seeks to challenge the judgment and decree dated 12.12.2025 passed by the XXXI Additional City Civil and Sessions Judge, Bengaluru in O.S.No.2607/2023 (hereinafter referred to as the 'Impugned Judgment'.)



2. By the Impugned Judgment, the learned Trial Court passed a decree for ejectment of the appellant/defendant from the suit schedule premises directing him to hand over vacant possession to the respondent/plaintiff. In addition, the appellant/defendant was also directed to pay arrears of rent in the sum of Rs.12,70,080/- for a period of 36 months and mesne profits/damages at the rate of Rs.35,280/- per month from the date of the suit till the date vacant possession of the suit schedule premises is handed over to the respondent/plaintiff.

3. This Court had after briefly hearing the parties, on 08.04.2026, passed the following order:

*"1. Learned counsel appearing for the appellant, on instructions, submits that the appellant would require **six months time to vacate** the premises and to make payment of the arrears as set out in the decree.*

*2. Learned counsel appearing for the respondent, on instructions, submits that this contention of the learned counsel for the appellant is acceptable, provided, an affidavit of undertaking is filed **stating that the amounts are paid directly to the respondent through a bank transfer in three instalments, prior to the expiry of the six months period and the rents for the period after the decree is passed are also paid.***



3. *Learned counsel for the appellant submits that he will file an affidavit of undertaking within two days setting out these details.*

4. *At his request, list on 10.04.2026."*

[Emphasis Supplied]

4. The learned counsel for the appellant today submits that the appellant has filed an affidavit dated 10.04.2026 wherein, he has undertaken to vacate the suit premises on 09.10.2026. In addition, the appellant has undertaken to make payment of arrears in three installments as is set out therein. The relevant extract of the affidavit is set out below:

"3. I state that, as per the orders of this Hon'ble Court and towards compliance of the same, I am filing this affidavit, undertaking to vacate the premises and payment of arrears of rent without prejudice to the case on merits. The outstanding arrears of rent to be payable to the respondent, as per the case of the respondent/plaintiff and the judgment and decree is as under:

<i>Arrears of rent for 36 months prior to filing of the suit.</i>	<i>Rs. 12,70,080/-</i>
<i>Arrears of rent from the date of filing of the suit to till filing of this appeal i.e., 12.03.2026 (Rs.35,280 X 35 months).</i>	<i>Rs. 12,34,800/-</i>
<i>Amount paid by the appellant as Security Deposit.</i>	<i>Rs.3,20,000/- (To be deducted)</i>



Total amount due payable	Rs.21,84,880/-

4. I state that, the outstanding amount payable by me to the respondent as per the judgment and decree, after **deducting the security deposit amount of Rs.3,20,000/- is Rs.21,84,880/-**. I further state that, I am willing to pay 50% of the said amount i.e., **Rs. 10,92,440/- within three months from today i.e., on or before 10.07.2026** by way of the RTGS/NEFT/IMPS/Demand Draft.

5. I state that, I also undertake to pay the remaining **amount of 50% i.e., Rs.10,92,440/- in two instalments, which is as under:**

i. Rs.5,46,220/- will be paid on or before 25.08.2026 to the Respondent by way of the RTGS/NEFT/IMPS/ Demand Draft.

ii. Rs.5,46,220/- will be paid on or before 09-10-2026 to the Respondent by way of the RTGS/NEFT/IMPS/ Demand Draft.

6. In addition to the above, I undertake to pay monthly rent of Rs.35,280/- to the Respondent till I find an alternative residence or till 09.10.2026 (the date on which I have undertaken to vacate the suit premises), whichever is earlier. I state that, I am not in a position to search for an alternative residence and also to pay the above said huge sum of amount at once. In view of the above, I pray that this Hon'ble Court may be pleased to stay the judgment and decree dated 12.12.2025 passed by Hon'ble XXXI Addl. City Civil and Sessions Judge, At Bengaluru in O.S.No.2607/2023 to secure the ends of justice."



5. The affidavit as placed on record states that the appellant will vacate the suit schedule premises on or before 09.10.2026 and shall make payments to the respondent in terms of the Bank account details already provided by the respondent to the appellant on or before 10.07.2026 -Rs.10,92,440/-; on or before 25.08.2026 - Rs.5,46,220/- and on or before 09.10.2026 - Rs.5,46,220/-.

6. The learned counsel for the respondent/plaintiff submits on instructions that the undertaking as given in the affidavit dated 10.04.2026 is acceptable to the respondent/plaintiff.

7. The learned counsel for the appellant/defendant submits that this appeal can be disposed of in terms of the affidavit dated 10.04.2026.

8. The appellant/defendant shall comply with the undertaking given to him, failing which, the



respondent/plaintiff is at liberty to take appropriate steps in accordance with law.

9. The appeal is ***disposed of*** in the foregoing terms. All pending interlocutory applications shall stand closed.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

RAK / KS
List No.: 1 Sl No.: 11