



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 480 OF 2026 (SC)

BETWEEN:

1. SRI MOHAMMED TAHIR HUSSAIN
S/O ABDUL REHIM
AGED ABOUT 61 YEARS,
R/AT O.82, 1ST FLOOR,
THIMMAIAH ROAD,
BENGALURU-560 001
(IMPLEADED AS DEFENDANT NO.2
AS PER ORDER DATED 16/01/2025)
2. SMT. TASLIM TAHERUNNISA
W/O MR MOHAMMED TAHIR HUSSAIN
AGED ABOUT 54 YEARS
R/AT 82, 1ST FLOOR,
THIMMAIAH ROAD, NEHRUPURAM
BENGALURU-560 001
REPRESENTED BY GP HOLDER,
SRI. MOHAMMED TAHIR HUSSAIN
S/O ABDUL REHIM
AGED ABOUT 59 YEARS
R/AT 82, 1ST FLOOR,
THIMMAIAH ROAD, NEHRUPURAM
BENGALURU-560 001

...PETITIONERS

(BY SRI. KAZI SALIM HASHAM SAHEB, ADVOCATE)

AND:

SRI MOHAMMED NAZIMUDDIN
S/O LATE MOHAMMED AMEER JAN
AGED ABOUT 58 YEARS



RESIDING AT NO.5, OLD NO.9/1
BROADWAY STREET, 3RD CROSS,
MAIN ROAD,BENGALURU-560 051
REPRESENTED BY HIS POWER OF
ATTORNEY HOLDER
MR. S.A.AMER AHMED
S/O SHAIK AHMED
AGED ABOUT 74 YEARS,
RESIDING AT NO.5, OLD NO.9/1
BROADWAY STREET,
3RD CROSS, MAIN ROAD
BENGALURU-560 051

...RESPONDENT

(BY SRI. MOHAMED NASIRUDDIN, ADVOCATE)

THIS CRP FILED UNDER SEC.18 OF THE KARNATAKA SMALL CAUSE COURTS ACT., AGAINST THE JUDGMENT AND DECREE DATED 26.03.2026 PASSED IN SC NO.644/2024 ON THE FILE OF XI ADDITIONAL SMALL CAUSES JUDGE AND ACJM, COURT OF SMALL CAUSES, BANGALORE., DECREETING THE SUIT FOR EJECTMENT AND FOR DELIVER OF VACANT POSSESSION.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present civil revision petition is filed aggrieved by the orders passed in S.C.No.644/2024 dated 26.03.2026 passed by the XI Addl. Small Causes Judge and ACJM, Court of Small Causes, Bangalore, whereby the suit is decreed, and it is held that the plaintiff is entitled for vacant possession of the suit schedule property from the hands of the defendants.



Defendants are directed to vacate and hand over the vacant possession of the suit schedule property within sixty days from the date of the order, failing which the plaintiff is entitled to recover possession in accordance with law.

2. The respondent herein has filed a suit for ejectment, directing the defendant to quit, vacate and deliver the vacant possession of the scheduled premises and for mesne profits for unlawful possession by the defendant and also for costs of the suit. The trial Court has passed a judgment running into 19 paragraphs. At paragraph Nos.14, 15, 16, 17 and 19 is the reasoning part. Para Nos.14, 15, 16 and 17 the trial Court dealt with the facts of the case. At paragraph Nos.18 and 19 there is a discussion how that the trial Court has decreed the suit. Paragraph Nos. 18 and 19 the trial Court records as follows:

"18. Coming to the aspect of rent, plaintiff contended that the defendant is not regular in payment of rent. The same is not denied by 1st defendant by contesting the case. While the 2nd defendant contended that he is regular in payment of rent to the property has produced several rent receipts in his evidence. Those receipts are disputed by the plaintiff stating that they are created. But the fact remains that, though according to plaintiff regular rent is not paid, in this suit he has not sought for recovery of rent. Only prayer for eviction of defendant along with mense profit is sought. Therefore, this court cannot grant the relief of arrears of rent as it is not claimed as relief in the suit. That part according to plaintiff advance of Rs. 2,00,000/- which in his hands is



already set off towards arrears of rent. In that view of the matter this court is of the opinion that plaintiff cannot claim arrears of rent from the hands defendants herein. 2 nd defendant has not sought for recovery of advance amount from the plaintiff by way of counter claim. Therefore, though he is contending that he is entitled for recovery of Rs.2,00,000/- from the hands of plaintiff, the said relief cannot be granted in this suit. Several suggestions are made in the cross examination which is denied by each other, but on the basis of documentary evidence, plaintiff has proved his case. As such he is entitled for the relief claimed. In respect of injunction suit, it has to be noted that admittedly it is for relief of bare injunction and it will not bar this court from ordering the relief of eviction.

19. Plaintiff has sought for mense profit. The said relief can be granted only if it is unlawful possession. But in the present case defendant has entered in to property through valid lease deed which continued at the instance of both the parties. Therefore, it cannot be called as unlawful possession. Hence, mense profit cannot be ordered. Accordingly, this point is answered in the Affirmative.

Accordingly, the suit is decreed.

3. Learned counsel appearing for the tenant/petitioner herein submits that the trial Court has failed to consider any of the contentions that are raised by the tenant and the trial Court has decreed the suit and the impugned order is bereft of reasons and on that ground the order impugned needs to be set aside.

4. Learned counsel appearing for the respondent/plaintiff submits that the trial court has failed to grant the arrears of



rent as admitted by them. It is submitted that the trial Court has rightly decreed the suit and ordered the eviction of the tenant. It is submitted that, in respect of arrears of rent, a review has already been filed on those findings, and the review is pending consideration before the Court.

5. Having heard the learned counsels on either side and perused the material on record, the Court finds that when the respondent has filed a suit for eviction, the trial Court, by the impugned order, has passed a judgment and decree. The Court is surprised at the manner in which the suit is decreed absolutely. No reasons are forthcoming from the order as to why the plaintiff is entitled to a judgment and decree, and the trial Court has failed to record any reasons. This order, on the face of it, is without reasons and needs to be set aside.

6. In that view of the matter, this Court is passing the following:



ORDER

- i. The order passed in S.C.No.644/2024 dated 26.03.2026 passed by the XI Addl. Small Causes Judge and ACJM, Court of Small Causes, Bangalore, is ***set aside*** and the matter is ***remanded back*** to the trial Court.
- ii. Both the parties are at liberty to advance their arguments and thereafter the trial Court shall pass appropriate orders and this whole exercise shall be completed within a period of 3 months from the date of receipt of the copy of the order.
- iii. Accordingly, the civil revision petition is ***Allowed.***
- iv. Pending I.As., in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 46