



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

REGULAR FIRST APPEAL NO. 2099 OF 2016 (RES)

BETWEEN:

1. CENTRAL BANK OF INDIA
(A GOVERNMENT OF INDIA UNDERTAKING)
HAVING ITS REGISTERED & HEAD OFFICE AT
CHANDERMUKHI, NARIMAN POINT
MUMBAI-400021
2. CENTRAL BANK OF INDIA
REGIONAL OFFICE, NO.24
CRESCENT ROAD
BENGALURU-560001
3. THE ZONAL MANAGER
CENTRAL BANK OF INDIA
GENERAL ADMINISTRATION DEPARTMENT
ZONAL OFFICE
HYDERABAD
4. THE ASSISTANT GENERAL MANAGER
CENTRAL BANK OF INDIA
GENERAL ADMINISTRATION DEPARTMENT
CHANDERMUKHI, NARIMAN POINT
MUMBAI-400021
5. THE MANAGER
CENTRAL BANK OF INDIA
1ST FLOOR, GUNDOPANTH STREET
BEHIND K R MARKET
BENGALURU-560002

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA



FOREMERLY AT NO.S 306/1 & 2
OLD THARAGUPET
AVENUE ROAD CROSS
BENGALURU-560053

...APPELLANTS

(BY SRI. Y.P. GOKUL FOR
SRI. Y V PARTHASARATHY., ADVOCATE)

AND:

1. M/S R.P.C.COMPANY
A PARTNERSHIP BUSINESS CONCERN
REGISTERED UNDER THE PROVISIONS OF INDIAN
PARTNERSHIP ACT
HAVING ITS OFFICE AT NO.306
OLD THARAGUPET
BENGALURU-560053
REPRESENTED BY ITS
MANAGING PARTNER VIZ
 1. SRI. R.B.S.CHANNABASAVARADHYA,
S/O LATE SRI.R.B.LINGARADHYA,
AGED ABOUT 82 YEARS,
 2. SRI. R.NIRANJANARADHYA,
S/O SRI. R.NIRANJANARADHYA,
AGED ABOUT 66 YEARS,
 3. SRI. S.R.SHIVAPRASAD,
S/O LATE RUDRARADHYA,
AGED ABOUT 64 YEARS,
 4. SMT. ANURADHA VIJAY,
W/O LATE S.R.VIJAY,
AGED ABOUT 54 YEARS,
 5. SRI. S.R.HARSHA,
S/O LATE S.RUDRADHYA,
AGED ABOUT 57 YEARS,
 6. SRI. P.YOGESHWARARADHYA,



S/O LATE R.B.C.PARAMESHWARARADHYA,
AGED ABOUT 54 YEARS,

7. SRI. P.LINGAMURTHY,
S/O LATE R.B.C.PARAMESHWARARADHYA,
AGED ABOUT 51 YEARS,
8. SRI. C.RAVINDRA ARADHYA,
S/O SHRI. R.B.S. CHANNABASAVARADHYA,
AGED ABOUT 47 YEARS,

...RESPONDENT

(BY SRI. V B.SIDDARAMAIAH., ADVOCATE)

THIS RFA IS FILED UNDER SECTION 96 OF CPC.,
AGAINST THE JUDGMENT AND DECREE DATED 28.07.2016
PASSED IN OS NO.3481/2010 ON THE FILE OF THE I ADDL.
CITY CIVIL AND SESSIONS JUDGE, BANGALORE CITY.
DECREEING THE SUIT FOR EJECTMENT AND RECOVERY OF
MONEY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal has been filed under Section 96 read
with Order XLI Rule 1 of the Code of Civil Procedure, 1908 (for
short '**the CPC**') impugning the judgment and decree dated
28.07.2016 passed by the Court of I Additional City Civil and



Sessions Judge, Bangalore City in OS No.3481/2010 instituted by the respondent/plaintiff.

2. The parties are referred to as per their ranking before the Trial Court for the sake of convenience.

3. The plaintiff is the owner of the suit schedule property consisting of ground floor, first floor and second Floor. The defendants took the first and second floor consisting of 1,785 square feet and 1,445 square feet respectively. Altogether 3,230 square feet on long term lease for 10 years commencing from 01.01.1996 at the initial rent of Rs.12/- per square feet for a period of 5 years i.e., up to 31.12.2000 and from 01.01.2001 on monthly rent of Rs.14.40 per square feet up to 31.12.2005. The defendants had paid the rent as agreed. However, after the lease got expired on 31.12.2005, the defendants did not vacate the premises in question and continued in possession till 16.12.2010. The plaintiff had issued notice to the defendants demanding the rent at the rate of Rs.60/- per square feet for first year. However, the plaintiff in the plaint had claimed the rent from 01.01.2006 to 16.12.2010 at the rate of Rs.30/- per square feet. The



defendants had filed a statement disputing the assertion and claim for higher rent. On the basis of the pleadings, the Trial Court has framed the following issues for consideration:-

- "1. Whether the plaintiff is entitled for damages from damages from defendant? If so, at what rate and from which date?*
- 2. Whether plaintiff proves damages caused to the schedule property by the defendants at the time of vacating the suit schedule premises to the plaintiff?*
- 3. Whether plaintiff is entitled for mesne profits from the defendants? if so, at what rate and from which date?"*

4. The learned counsel for the appellants has confined his submission in respect of the mesne profit granted by the Trial Court at the rate of Rs.32/- per square feet and damages of Rs.2,50,000/- towards repair etc., along with interest at the rate of 12% per annum from the date of suit till realization.

5. The learned counsel for appellants/defendants submit that the plaintiff did not lead any cogent and credible evidence to suggest that the contemporary rent in the locality for a commercial building would be Rs.32/- per square feet. He further submits that the Trial Court without conducting an



independent inquiry to calculate the mesne profit has accepted the claim made by the plaintiff for mesne profit at the rate of Rs.32/- and also has awarded Rs.2,50,000/- damages towards repair etc. His submission is that at least an inquiry ought to have been conducted, without there being any evidence suggesting the rent for such a building in the neighbourhood, on the basis of the pleadings and oral evidence of the plaintiff, the judgment and decree has been passed.

6. On the other hand, learned counsel for the respondent/plaintiff has supported the impugned judgment and decree and submitted that the defendants themselves had offered Rs.36/- per square feet as per Exhibit P10 and therefore, fixing the mesne profit at the rate of Rs.32/- cannot be said to be exorbitant or without any basis. When the defendants themselves offered the rent at the rate of Rs.36/- per square feet, the defendants cannot turn around and say that the Trial Court ought to have conducted an inquiry for arriving at the reasonable rent, at the rate at which the mesne profit would be calculated and paid. In respect of the submission that the trial Court without any pleading and



supporting documents has awarded a compensation of Rs.2,50,000/- towards damages etc., it is submitted that the same is without any basis. The learned counsel for the respondent/plaintiff submitted that a Commissioner was appointed to assess extent to damages to the building which was assessed at Rs.4,00,000/-. However, the Trial Court has granted only Rs.2,50,000/- and therefore, the same is not required to be interfered with.

7. We have considered the submissions, pleadings as well as the evidence. The only point for consideration in this appeal is as to 'Whether the mesne profit and damages awarded by the trial Court are without any basis or evidence or sum awarded for mesne profit and damages are based on the credible evidence adduced by the plaintiff?'

8. The defendants did not adduce any documentary evidence, except for the oral testimony of DW1, who submitted some photographs and one letter, whereas the plaintiff has led the evidence including the Bank's own offer for payment of Rs.36/- per square feet monthly rent for the premises. Further the damages of Rs.2,50,000/- is based on the Commission's



report. When the plaintiff has been able to prove the rent, which was offered by none other than the defendant himself, we are of the view that the trial Court has taken the correct view in calculating the mesne profit for overstaying in the premises from 01.01.2006 to 16.12.2010. The mesne profit has been awarded on the basis of the defendants' own document in Ex.P10.

9. Even in the oral testimony, the plaintiff has stated that after the defendants have vacated the premises, the premises would fetch the rent around Rs.30/- to Rs.32/- per square feet. We therefore, find no error in the impugned judgment and decree dated 28.07.2016 passed by the trial Court in O.S.No.3481/2010. The appeal has no merit and substance which is why it is ***dismissed.***

10. Pending interlocutory applications, if any, stand disposed of

**Sd/-
(D K SINGH)
JUDGE**

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