



CNR: KAHC01055502022

NC: 2026:KHC:42981
W.P. No.24143/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 12TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.24143/2022 (GM-CPC)

BETWEEN:

1. MOHAMMED ARIFULLA
S/O LATE ABDUL RAVOOF
AGED ABOUT 67 YEARS.
2. MOHAMMED SHAFIULLA
S/O ABDUL RAVOOF
AGED ABOUT 63 YEARS.
3. MOHAMMED ASIFULLA
S/O ABDUL RAVOOF
AGED ABOUT 60 YEARS.

ALL ARE R/AT NO.5, 15TH MAIN
OPP. POLICE QUARTERS
VASANTHNAGAR
BANGALORE 560 052.

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. SHERURN D'SOUZA, ADV., FOR
SRI. S. SHAKER SHETTY, ADV.,)

AND:

1. THE SENIOR MANAGER
CORPORATION BANK
NOW KNOWN AS
UNION BANK OF INDIA
YESHWANTHPURA BRANCH
BENGALURU 560 022.



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2. THE DEPUTY GENERAL MANAGER
CORPORATION BANK
NOW KNOWN AS
UNION BANK OF INDIA
ZONAL OFFICE
BANGALORE NORTH
NO.1/1, GROUND FLOOR
JEEVAN SAMPIGE BUILDING
2ND MAIN ROAD, SAMPIGE ROAD
MALLESWARAM, BANGALORE 560 003.

...RESPONDENTS

(BY SMT. LATHA R, ADV., FOR R1 & R2)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED
ORDER DATED 16.06.2022 PASSED BY THE LEARNED XVI
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT
BANGALORE (CCH-12) IN O.S.NO. 4921/2017 VIDE
ANNEXURE-E & 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



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ORAL ORDER

This writ petition is filed challenging the orders dated 16.06.2022 and 16.07.2022 passed in O.S.No.4921/2017 by the XVI Additional City Civil and Sessions Judge, Bengaluru (CCH-12) (for short, 'the Trial Court').

2. Sri.Sherurin D'Souza, learned counsel appearing on behalf of Sri.S.Shaker Shetty, learned counsel for the petitioners submits that petitioners-plaintiffs had filed a suit against the respondents-Bank seeking the relief of judgment and decree of ejectment. In the said suit, the counsel representing the plaintiffs inadvertently filed a Memo dated 16.06.2022 stating that the dispute is settled between the plaintiffs and the defendants-Bank in W.P.No.15149/2021 and that the plaintiffs have no objection for the defendant Nos.1 and 2 to vacate and deliver the vacant possession of the suit schedule property to the defendant No.3 and sought for refund of Court fee to their counsel. It is submitted that



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the said Memo was not signed by the plaintiffs but was signed by their counsel and the same was filed without any instructions and contrary to the decision of this Court in the aforesaid petition. It is further submitted that thereafter, an application was filed to engage another counsel which came to be rejected. It is also submitted that in view of the order passed by the Trial Court disposing the suit, the application filed for engaging another counsel was rejected. Hence, he seeks to allow the petition.

3. *Per contra*, Smt.Latha R, learned counsel appearing for the respondents submits that the respondents-Bank had handed over the keys to the plaintiffs which is recorded by the Trial Court and all arrears of rents are also paid and to that effect, a Memo is filed and she seeks to dismiss the petition.



4. I have heard the arguments of the learned counsel appearing for the petitioners, the learned counsel for the respondents and meticulously perused the material available on record.

5. The plaintiffs had filed O.S.No.4921/2017 against the defendants seeking the relief of ejectment. In the said suit, the defendants-Bank filed a detailed written statement denying the plaint averments. It is to be noticed that M/s. Balakrishna Flour Mills and others had filed a suit in O.S.No.4121/2009 against the plaintiffs. The said suit ended in compromise which has been recorded by this Court in W.P.No.15149/2021 while disposing of the said writ petition on 15.11.2021. This Court, in the aforesaid petition, at paragraph 5 has observed as under:

"5. Insofar as the second respondent, it must be observed that the petitioners shall be entitled to their remedies in terms of any statement or plea filed by them before the Courts below."



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6. It is to be noticed that the counsel representing the plaintiffs filed a memo dated 16.06.2022 before the Trial Court, which reads as under:

"In view of the settlement reached by the plaintiffs with the 3rd Defendants in on 15.11.2021 in W.P.No.15149/2021 before the Hon'ble High Court of Karnataka at Bangalore. (A copy of the order dated 15.11.2021 is herewith produced for the kind perusal of this Hon'ble Court). The plaintiffs respectfully pray that this Hon'ble court may be pleased to dispose the above suit in like terms.

In the above facts and circumstances the plaintiffs herein submit that they have absolutely no objection for the defendants 1 & 2 to quit vacate and deliver vacant possession of the schedule premises to the 3rd defendant. It would be in the interest of justice to do so.

The Court fee paid in above case may kindly be ordered to be refunded in the name of Sri. M.A. Azeez Khuraishi, Advocate, Bengaluru, who is the advocate for plaintiffs."



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7. The Trial Court recorded the said memo on 16.06.2022 and the suit of the plaintiffs was accordingly disposed of. The Trial Court also recorded the memo filed by the defendants Nos.1 and 2 (Bank) that they have handed over the vacant premises to the plaintiffs. It is to be noticed that on noticing the fact that without instructions, the earlier counsel filed a memo, the plaintiffs filed an application under Section 151 of the CPC, seeking to engage another counsel which came to be rejected by the Trial Court on 16.07.2022. It is further to be noticed that the memo for disposal filed by the plaintiffs which is produced at Annexure-D and extracted *supra*, makes a reference with regard to W.P.No.15149/2021 and admittedly, the said settlement arrived at between the parties in the aforesaid writ petition, is pertaining to a suit in O.S.No.4121/2009. Considering the aforesaid fact and also the specific grounds urged in the petition, I am of the view that filing of the memo by the counsel representing



the plaintiffs was an inadvertent mistake. Hence, the impugned orders call for interference.

8. Insofar as the contention of the defendants-Bank that they have handed over the possession to the plaintiffs and there are no arrears of rents, the same is required to be gone into in the suit.

9. For the aforementioned reasons, I proceed to pass the following:

ORDER

- (i) The writ petition is allowed.
- (ii) The impugned orders dated 16.06.2022 and 16.07.2022 passed in O.S.No.4921/2017 by the XVI Additional City Civil and Sessions Judge, Bengaluru (CCH-12), are set aside. The suit in O.S.No.4921/2017 is restored to the file of the said Court.



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(iii) The Trial Court shall consider the rival contentions in the suit and proceed in accordance with law, including the contention of the defendants that the tenancy between the landlord and the plaintiffs was terminated way back in the year 2015 and they have delivered the vacant possession and paid the arrears of rents.

(iv) It is made clear that this Court has not expressed any opinion on the merits of the case.

No order as to costs.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

RV
List No.: 1 Sl No.: 35