



CNR: KAHC010588952026

NC: 2026:KHC:49679
RFA No. 1711 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 11TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
REGULAR FIRST APPEAL NO. 1711 OF 2026 (POS)

BETWEEN:

1. MRS. PRIYA SHAH
W/O SHAH RAKES
AGED 53 YEARS
NO.542, 22ND CROSS,
3RD BLOCK, JAYANAGARA,
BENGALURU – 560 011.

...APPELLANT

(BY SRI. VIVEK SUBBA REDDY, SR.COUNSEL A/W
SRI. ANIL KUMAR R, ADVOCATE)

AND:

1. ISLAND STAR MALL DEVELOPERS PVT LTD
A COMPANY REGISTERED UNDER
THE PROVISIONS OF THE
COMPANIES ACT, 1956

OFFICE AT:

MARKET CITY RESOURCES PVT LTD.,
R.R. HOISERY BUILDING
SHREE LAXMI WOLLEN,
MILLS ESTATE, OPP. SHAKTHI MILLS,
OFF DR.E. MOES ROAD,
MAHALAXMI MUMBAI – 400 011.

Digitally
signed by
MADHURI S
Location
HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:49679
RFA No. 1711 of 2026

CNR: KAHC010588952026

HAVING ADMINISTRATION OFFICE AT:

C/O PHOENIX MARKET CITY,
LOWER GROUND FLOOR,
NO.40 AND 41,
WHITEFILED MAIN ROAD,
INDUSTRIAL AREA,
MAHADEVAPURA, DYAVASANDRA
INDUSTRIAL AREA
KRISHNARAJAPURAM HOBLI
BENGALURU – 560 048.

...RESPONDENT

(BY SRI. DHYAN CHINAPPA, SR.COUNSEL A/W
SRI. M.V. SUNDARARAMAN, ADVOCATE FOR C/R IN
CP.NO.18649/26)

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER
XLI(41) RULE 1 OF CPC, AGAINST THE JUDGMENT AND
DECREE DATED 01.08.2026 PASSED IN OS.NO.6351/2016 ON
THE FILE OF THE LXIII ADDITIONAL CITY CIVIL AND SESSIONS
JUDGE, (CCH-64) BENGALURU CITY AND ETC.

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

CORAM: HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR



CNR: KAHC010588952026

ORAL JUDGMENT

Having heard the arguments of Sri. Vivek Subba Reddy, learned Senior Counsel appearing for the appellant and Sri. Dhyan Chinnappa, learned Senior Counsel appearing for the respondent and considering that the suit is filed for possession and the same is partly decreed.

2. Undisputedly, the respondent/plaintiff is owner of premises and the appellant/defendant is tenant. The said premises is commercial property. Therefore, decreed the suit by stating that the defendant has to hand over vacant possession of the suit property, is liable to be confirmed and the appeal is liable to be dismissed. But however, the appellant/defendant is granted six months time to vacate and hand over the possession of the suit schedule property to the respondent/plaintiff from today. Till then, the appellant shall pay monthly rent as agreed regularly to the respondent and if there is any default in payment of monthly rent, then the respondent is at liberty to execute the decree. The appellant/defendant is directed to file an undertaking affidavit in this regard within two weeks from today.



**NC: 2026:KHC:49679
RFA No. 1711 of 2026**

3. The respondent/plaintiff is directed to return the security amount to the appellant/defendant at the time of vacating suit schedule property completely.

4. Learned counsel for the respondent submitted that the respondent is aggrieved by findings given on issue Nos.2 and 3 in the impugned judgment and submits that the respondent/plaintiff is willing to file an appeal challenging findings given in the impugned judgment on issue Nos.2 and 3.

5. Liberty is reserved to the respondent to challenge the findings given in the impugned judgment on issue Nos.2 and 3 by filing separate appeal and whatever observations made above shall not come in the way of considering the appeal to be filed by the respondent challenging observations on issue Nos.2 and 3.

With the above observations, appeal stands **disposed off.**

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**