



CNR: KAHC010698402025

NC: 2026:KHC:52663
CRP No. 791 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 791 OF 2025 (IO)

BETWEEN:

SRI CHETHAN M.,
S/O MUNIYAPPA,
AGED ABOUT 31 YEARS,
RESIDING AT NO. 437,
8TH CROSS, 5TH MAIN,
DOLLARS COLONY, RMV 2ND STAGE,
BANGALORE- 560 094

...PETITIONER

(BY SRI. SHIVA KUMAR D.A., ADVOCATE)

AND:

SMT. MYTHILI PRSAD
W.O LATE K.S.N.PRASAD
AGED ABOUT 79 YEARS,
RESIDING AT NO. 11,
KRIMIT KRUPA APARTMENT,
FLAT NO. 103, 16TH CROSS,
MALLESHWARAM,
BENGALURU 560055.

...RESPONDENT

(BY SRI. MOHAN M., ADVOCATE)

THIS CRP FILED UNDER SECTION 115 OF CPC, AGAINST THE ORDER DATED 10.10.2025 PASSED IN I.A.NO.III IN O.S.NO.6273/2023 ON THE FILE OF THE XLII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE BENGALURU (CCH-43), REJECTING THE I.A.NO.III FILED UNDER ORDER VII RULE 11 OF CPC.



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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 10.10.2025 passed in I.A.No.III in O.S.No.6273/2023 by the XLII Additional City Civil and Sessions Judge, Bengaluru, the petitioner/defendant is before this Court.

2. The respondent herein, who is the plaintiff, had filed O.S. No. 6273/2023 for ejectment. In the suit, the defendant filed I.A.No.III under Order VII Rule 11 of the CPC, seeking rejection of the plaint on the ground that it does not disclose a cause of action and is barred under Section 106 of the Transfer of Property Act (hereinafter referred to as 'TP Act'). It is the case of the defendant that as per the rental agreement, clause No.e provides that the owner shall have the right to terminate the tenancy if the tenant fails to pay the monthly rent regularly for a consecutive period of two months or commits a breach of any of the terms herein and take possession of the premises. Clause No. I provides that the agreement may be terminated by



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either party at any time by giving written notice of two calendar months. The agreement was made on 15.07.2020 and is for a period of 11 months from 15.07.2020. Considering the said contentions of the defendant, the trial Court rejected the application.

3. While rejecting the application, the trial Court observed that it is well-settled position of law that, when considering an application under Order VII Rule 11 of the CPC, the Court has to consider the averments of the plaint and the documents filed along with the plaint. The suit was filed by the landlord against the tenant for ejectment and possession of the suit property. It is not in dispute that the plaintiff and defendant entered into a lease agreement on 15.07.2020 for a period of 11 months from the date of the agreement. It is also not in dispute that the lease period has expired. The plaintiff issued a legal notice on 25.07.2023, giving the defendant 30 days to vacate the suit property. Thereafter, the suit was filed by the plaintiff on 27.09.2023, i.e., after 60 days. As per Section 106 of the TP Act, a 15-day notice is sufficient to evict the tenant. In this case, the plaintiff gave a 60-day notice.



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Therefore, the defendant's contention that the notice was not issued as per Section 106 of the TP Act cannot be accepted. The trial court observed that the plaintiff gave a termination notice and thereafter filed the suit. Accordingly, there is a genuine cause of action to file the suit. The trial court observed that it has perused the citations relied upon by the defendant, and they do not apply to the facts of the case, and accordingly rejected the application.

4. Learned counsel appearing for the petitioner/defendant has reiterated the same grounds raised before the trial Court and submits that two months' time is required to terminate the tenancy. In this case, only 30 days' time is given, and the trial Court has failed to consider that there is no cause of action.

5. Learned counsel appearing for the respondent/plaintiff submits that the trial Court has considered all aspects and has rightly passed the order, and there are no grounds to interfere.

6. Having heard the learned counsel on either side, perused the material on record. There was a rental agreement



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between the parties for a period of 11 months from 15.07.2020. After the 11-month period, a legal notice was issued to the defendant by the plaintiff on 25.07.2023 to terminate the tenancy as required under Section 106 of the TP Act. According to the petitioner, even after the lease expired, a two-month notice must be given to the tenant. This submission of the learned counsel for the petitioner has no legs to stand. The trial Court has rightly observed that a notice as per Section 106 of the TP Act was issued and there is a cause of action for filing the suit. Hence, this Court finds no reason to interfere with the well-considered order passed by the trial Court. Hence, this Court is passing the following order:

ORDER

- i. Accordingly, the Civil Revision Petition is ***dismissed.***
- ii. All I.As. in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**