HC-KAR

NC: 2026:KHC:61202
WP No. 20940 of 2026

CNR: KAHC010461802026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 20940 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. NAGARATHNAMMA
   W/O A. L. PUTTAMADAPPA,
   AGED ABOUT 68 YEARS,

2. SMT. PREMA,
   W/O MAHADEVAPPA,
   AGED ABOUT 51 YEARS

3. SRI. A P SHIVAKUMAR,
   S/O A L PUTTAMADAPPA,
   AGED ABOUT 48 YEARS

4. SMT. PARVATHAMMA @ RANI,
   W/O CHANDRAPPA,
   AGED ABOUT 45 YEARS

   THE PETITIONER ARE RESIDING AT
   11TH CROSS, CHAMUNDESHWARI NAGARA,
   MANDYA-571401

...PETITIONERS

(BY SRI H. K. KENCHEGOWDA, ADVOCATE)

AND:

1. MANDYA ZILLA BASAVA SAMITHI,
   MANDYA 571401
   ITS REPRESENTED BY JOINT SECRETORY

...RESPONDENT

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 13.03.2026 ON IA NO.III FILED BY THE RESPONDENT UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE IN OS NO.818/2016 ON THE FILE OF THE LEARNED I ADDL CIVIL JUDGE AND JMFC, MANDYA, VIDE ANNX-A BY ISSUING A WRIT OF CERTIORARI AS ILLEGAL.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

1. The present petition impugns the order dated 13.03.2026 passed by the Trial Court in O.S. No. 818/2016 on I.A. No. 3, filed under Section 151 of the CPC, whereby the defendants were directed to deposit damages amounting to Rs. 2,06,250/- before the Court.

2. Learned counsel for the petitioners-defendants therein submits that the application was filed by the plaintiff, with whom the petitioners have no jural relationship. It is contended that, unless the applicants establish that the petitioners are tenants under them, the Trial Court has committed an error in directing the deposit of damages without adjudicating the said issue.

3. Considered the submissions made by the learned counsel for the petitioners and perused the impugned order and material on record.

4. The suit is one for eviction and damages. During the pendency of the suit, an application was filed seeking a direction to deposit the arrears of rent. The petitioners have not disputed that they are in occupation of the suit schedule property as tenants. The mere existence of a dispute as to the person entitled to receive the rent does not absolve the petitioners of their obligation to pay the same.

5. If the petitioners are not directed to deposit the rent claimed in the application before the Court, the enforceability of any decree that may ultimately be passed would be rendered uncertain, thereby resulting in multiplicity of proceedings.

6. In view of the admitted position that the petitioners are in occupation of the suit schedule property as tenants, the Trial Court is justified in directing them to deposit the rent before the Court. This Court finds no error or infirmity in the impugned order warranting interference in the present petition.

7. Accordingly, the writ petition is ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

VP/List No.: 1 Sl No.: 5