

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

**DATED THIS THE 18<sup>TH</sup> DAY OF AUGUST 2006**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.G. RAMESH**

**CIVIL REVISION PETITION No. 505/2006**

**BETWEEN:**

1 T MAYANNA  
SON OF LATE S THIMMAIAH  
AGED ABOUT 68 YEARS  
SHOP NO 6 & 7, AUTO AND CYCLE SHOP  
GROUND FLOOR, SRI MAHALAXMI MANDIR  
NO.9, 2<sup>ND</sup> CROSS, KUMARA PARK WEST  
BANGALORE - 560 020 ... PETITIONER

(BY SRI. NANDAGOPAL, ADV. FOR  
M/S IENGAR & CO., ADVS.)

**AND :**

1 SREE MAHALAKSHMI MANDIR TRUST (R)  
AKHILA BHARATHIYA BHAVASARA  
KSHATRIYA MAHASABHA  
NO.9, 2ND CROSS, KUMARA PARK WEST,  
BANGALORE - 560 020 ... RESPONDENT

(BY SRI. J ARAVIND BABU, ADV.)

THIS CRP IS FILED U/S 18 OF THE SMALL CAUSES COURTS ACT AGAINST THE JUDGMENT AND DECREE DATED:23.6.2006 PASSED IN SC.NO.2395/2003 ON THE FILE OF THE CHIEF JUDGE, COURT OF SMALL CAUSES, BANGALORE, (SCCH.NO.1), DECREEEING THE SUIT FOR THE RELIEF OF EJECTMENT AND POSSESSION.

THIS CRP COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

This revision petition by the tenant is directed against the judgment and decree dated 23.06.2006 passed by the Court of the Chief Judge of Small Causes, Bangalore in the suit in S.C.No.2395/2003. By the impugned judgment and decree, the trial Court has decreed the suit for ejectment filed by the respondent and has directed the petitioner/tenant to deliver vacant possession of the suit premises within two months.

2. Sri. Nandagopal, learned counsel appearing for the petitioner, after arguing the matter for some time, submits that the revision petition may be disposed of by granting time to the petitioner/tenant till the end of August 2007 to voluntarily vacate and to deliver vacant possession of the suit premises to the respondent/landlord. He further submits that the petitioner will pay Rs.8,000/- towards arrears of rent and damages for the use and occupation of the



premises upto the end of August 2007 within eight weeks from today.

3. Sri. J. Aravind Babu, learned counsel appearing for the respondent/landlord fairly submits that he has no objection to dispose of the revision petition as sought for by the learned counsel for the petitioner.

4. In view of the above, I make the following order:

(a) the petitioner/tenant is granted time till the end of August 2007 to voluntarily vacate and to deliver vacant possession of the suit premises to the respondent/landlord subject to the condition that the petitioner shall file an undertaking by way of an affidavit to this Court within six weeks from today to the effect (i) that he would voluntarily vacate and deliver vacant possession of the suit premises to the respondent/landlord before the end of August 2007 (ii) that he would



pay Rs.8,000/- towards arrears of rent and damages for the use and occupation of the premises upto the end of August 2007 within eight weeks from today to the respondent/landlord (iii) that he would not induct any third parties into the suit premises;

(b) if the petitioner fails to file the undertaking in the aforesaid terms within the time stipulated or commits breach of the undertaking given, it shall be deemed that no time had been granted by this Court to vacate the suit premises and in that event, the respondent/landlord shall be entitled to execute the impugned decree passed by the trial Court;

(c) subject to the above, the judgment and decree of the trial Court is affirmed.

The revision petition stands disposed of in the above terms.

Sd/-  
Judge

bb/ck