

2605
21.2.2000

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JANUARY 1998

B E F O R E

THE HON'BLE MR.JUSTICE H. RANGAVITTALACHAR

H.R.R.P. NO.37/1998

Between:

B. Krishnamurthy,
since dead by LRs:-

1. T.V. Ushamani,
W/o. late B.Krishnamurthy,
aged 45 years.

2. Miss. Padma Bushani,
D/o. late B. Krishnamurthy,
aged 20 years.

3. Lakshmi,
D/o. late B. Krishnamurthy
aged 15 years, minor,
represented by here mother
1st petitioner as natural -
guardian.

All R/o.No. 66, Old Post,
Office Road, 4th Cross,

2nd Stage,

Indiranagar,

Bangalore-560 038.

.. Petitioners

(By Sri. M.V. Seshachala, Advocate for
petitioners).

And:

C. Prabhakar,

S/o. Chikkegowda,

R/o. Chamelikunj, No.4,

Seshadri Road,

Bangalore-9.

.. Respondent

H.R.R.P. is filed U/s. 50(1) of the KRC Act,
against the order dated 12.12.1997 passed in HRC.
No. 912 of 1987 on the file of the XII Addl. Judge,
Court of small causes, Bangalore.

This H.R.R.P. coming on for admission this
day, the Court made the following:

ORDER

This is a revision petition by the tenant
under Sec.50 of the Karnataka Rent Control Act
against the order passed by the learned Judge of

the Small Causes in HRC No. 912/87 on I.A.15 rejecting the prayer to appoint a Commissioner.

2. The tenant made an application I.A.15 under Order 26 Rule 9 of CPC praying to appoint a Commissioner for making local investigation and report as to the accommodation available in respect of two other premises alleged to be belonging to the respondent/landlord.


3. Learned Judge has rejected the said prayer on the ground that whether the accommodation alleged belong to the tenant other than the schedule premises is residential or non-residential can always be established by other evidence and the parties cannot be permitted to fish out evidence by such method. On that ground he has rejected the same.

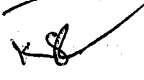
I do not find any infirmity in the order calling for interference.

Petition rejected. No costs.

Sd/- Judge.

Ms

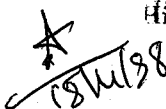
R.By: 

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001


15/11/88

