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IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

Dated the 17th day of April 1998.

BEFORE

THE HON'BLE MR. JUSTICE H. RANGAVITTALACHAR.

H. R. R. P. NO. 1304/1997.

BETWEEN:

B.N. Padmanabha Kamath,
S/O Narayana Kamath,
Aged 48 years, Trader
Bharathi Street,
Sringeri.

PETITIONER.

(By Sri. G.L. Vishwanath for petitioner)

AND:

B. Krishna Kamath,
S/O Narasimha Kamath,
Aged 63 years,
General Merchant,
Bharathi Street,
Sringeri.

RESPONDENT.

(By Sri. Vishnu Bhat for respondent)

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This H.R.R.P. filed under Section 115 of C.P.C. against the order dated 17-7-1997 passed in R(R) No. 22/94 on the file of the Addl. District Judge, Chikmagalur, dismissing the revision petition and confirming the order passed in HRC No.1/91 dated 15-7-1994 by the Munsiff and JMFC, Koppa etc.,

This HRRP is coming on for orders this day, the Court made the following:

O R D E R.

ORDER

Though this case has been listed for orders regarding "condonation of delay", the same is taken up for final hearing by consent of parties.

2. I.A. for condonation of delay is allowed. Delay in filing the petition is condoned.

3. Sri G.L.Vishwanath, learned counsel appearing for the petitioner submitted that having regard to the close relationship of the parties and the fact that the petitioner has been carrying on business since 1948 and that is the only source of income for livelihood. Therefore 4 years time may be granted for the tenant to vacate the premises. The landlord who is represented by the learned counsel Sri Vishnu Bhat, opposes for granting of time beyond 6 months.

4. Having regard to the fact that the business is the only source of income for livelihood and the difficulty to get alternative accommodation two and a half years time is granted to the tenant to quit and deliver vacant possession of the premises to the landlord subject to the following conditions:

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1. That he shall file an affidavit undertaking to voluntarily vacate the premises.

2. The affidavit shall be filed within 8 weeks from today after serving a copy of the same on the other side.

3. That he shall pay the rents regularly as and when it falls due.

Petition allowed.

Sd/-
JUDGE

Lx/-