

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MAY 2015

BEFORE

THE HON'BLE MR. JUSTICE H. BILLAPPA

WRIT PETITION NO.18833 OF 2015 (GM-CPC)

BETWEEN:

Sri. R. Madhusudan
S/o late Sri.B.S.Rama Rao
Aged about 50 years
Proprietor
M/s. Madhu Industries
No.141/1, Ganapathi Nagar
Rajagopal Nagar Main Road
Peenya 3rd Phase
BANGALORE-50 058

... Petitioner

(By Sri. Vasudeva Iyengar K.T, Advocate)

AND:

Smt. M.C. Chandravathi
W/o Sri.C.T.Amatappa
Aged about 55 years
R/a No.55, 9th Main
Bandappa Garden
Muthyalanagar
BANGALORE-560 005

... Respondent

This writ petition is filed under article 227 of the constitution of India praying to set aside the order on I.A.No.4 passed by the Hon'ble Court below dt: 04.04.2015 vide Annex-A passed on the file of the Hon'ble City Civil Judge, Bangalore in O.S.No.1110/2014.

This writ petition coming on for Preliminary Hearing this day, the court made the following:

ORDER

In this writ petition filed under Article 227 of the constitution of India, the petitioner has called in question the order dated 04.04.2015 passed by the Trial Court in O.S.No.1110/2014 on I.A.No.4 vide Annexure-A.

2. By the impugned order, the Trial Court has rejected I.A.No.4 filed by the petitioner under Order 7 Rule 11(a) of CPC.

3. Aggrieved by that, the petitioner has filed this writ petition.

4. Briefly stated the facts are:

The respondent has filed suit in O.S.No.1110/2014 for ejection of the petitioner. At the stage of evidence, the petitioner

has filed I.A.No.IV under Order 7 Rule 11(a) of CPC. The Trial Court by its order dated 4.4.2015 has rejected I.A.No.4. Therefore, this writ petition.

5. The learned counsel for the petitioner contended that the impugned order cannot be sustained in law. He also submitted that the impugned order is devoid of reasons and therefore, it cannot be sustained in law. Further he submitted that the plaint averments does not disclose cause of action and therefore, the impugned order cannot be sustained in law.

6. I have carefully considered the submission made by the learned counsel for the petitioner.

7. I do not find any merit in the submission of the learned counsel for the petitioner. The petitioner has produced the plaint copy. The plaint averments disclose that it is pleaded that the petitioner is a tenant and he is a chronic defaulter in payment of rents and the tenancy has been duly terminated. The

plaint averments disclose cause of action. Therefore, the impugned order does not call for interference.

Accordingly, the writ petition is dismissed.

Sd/-
JUDGE

GH