

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF JUNE, 2015

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

REGULAR FIRST APPEAL No.711 OF 2014

BETWEEN:

1. Smt. Shwetha Shroff,  
Wife of Kunal Shroff,  
Aged about 36 years,  
Prop: M/s. Sri Chakra Designs,  
No.B-35, NGEF Ancillary Industrial  
Estate, Mahadevpura Post,  
Bangalore – 560 072.

2. Sri. Kunal Shroff,  
Son of Santosh Shroff,  
Aged about 40 years,  
No.301, Landmark Nest ,  
No:17, Nagarvaoskya,  
C.V.Raman Nagar,  
Bangalore – 560 093.  
Also at:

Both appellants residing at  
#334, Block III, 'Shine On',  
Near Big Bazaar, Old Madras Road,  
Bangalore – 560 086.

... APPELLANTS

(By Shri B.M. Halaswamy, Advocate )

AND:

Sri. M.A.Medappa,  
 Son of Late M. Appachu,  
 Aged about 64 years,  
 Prop: M/s. Medtech Engineers,  
 Residing at No.4, 8<sup>th</sup> Cross,  
 Victoria Layout,  
 Bangalore – 560 047.

## ....RESPONDENT

(By Shri Uday Kumar H.B., Advocate )

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This Regular First Appeal filed under Section 96 of the Code of Civil Procedure, 1908, against the judgment and decree dated 14.2.2014 passed in O.S.No.5980/2012 on the file of the XIV Additional City Civil Judge, Bangalore, decreeing the suit for ejection and arrears of rent.

This appeal coming on for Orders this day, the Court delivered the following:

**JUDGMENT**

The Counsel for the respondent has received a demand draft for a sum of Rs.1,70,000/- in full and final settlement of the respondent's claim against the appellants. However, the learned Counsel would submit that there was a large amount of arrears due, which invariably had not been adjudicated and in view of which, it would be only fair if the court fee paid by the appellants is refunded

to the respondent, which would partially cover the arrears which he was entitled, but which invariably has not been adjudicated upon.

The learned Counsel for the appellants has no objection for the court fee to be refunded in favour of the respondent..

The appeal stands disposed of. The respondent is entitled to 75% of the court fees.

**Sd/-  
JUDGE**

nv