

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2020

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

HRRP NO.5/2020
C/w
HRRP NOS.10/2020, 6/2020
AND 7/2020

IN HRRP NO.5/2020:

BETWEEN:

Jacintha Pais,
W/o Ronald Pais,
Aged about 64 years,
R/at D.No.3-31-2547
GSB Colony,
Kadri Main Road,
Mangaluru – 575003.

... Petitioner

(By Sri S.N.Bhat, Advocate)

AND:

The Gowda Saraswath Brahmin
Seva Sangha (R)
A registered under Societies Registration Act,
Kadri Cross Road,
Vyasa Rao lane,
Mangaluru – 575003,
Rep. by its President.

... Respondent

(By Sri Manu Kulkarni, Advocate)

This HRRP filed under Section 115 of CPC., against the judgment dated 18.10.2019 passed in RRP.NO.10/2016 on the file of the VI Additional District and Sessions Judge, D.K.Mangaluru, dismissing the Rent Revision Petition and confirming the judgment/order dated 15.02.2016 passed in HRC No.31/2006 on the file of the II Additional Civil Judge, Mangaluru, allowing the petition filed under Section 27(2)(a)(r) and Section 5 of Karnataka Rent Act, 1999.

IN HRRP NO.10/2020:

BETWEEN:

Sri.Alwyn Menezes,
S/o late Boniface Menezes,
Aged 71 years,
R/at D.No.3-W-31-2546,
GSB Colony,
Near C.V. Nayak Road,
Kadri Main Road,
Mangaluru – 575003.

... Petitioner

(By Sri S.N.Bhat, Advocate)

AND:

The Gowda Saraswath Brahmin
Seva Sangha (R)
A registered Society registered under
Societies Registration Act,
Kadri Main Road,
Vyasa Rao lane,
Mangaluru – 575003,
Rep. by its President.

... Respondent

(By Sri Manu Kulkarni, Advocate)

This HRRP is filed under Section 115 of CPC., against the judgment and decree dated 18.10.2019 passed in R.R.P NO.15/2016 on the file of the VI Additional District and Sessions Judge, D.K. Mangaluru, dismissing the petition and confirming order and decree dated 15.02.2016 in HRC No.30/2006 on the file of the IV Additional Civil Judge and C/C of II Additional Civil Judge and JMFC, Mangalore D.K.

IN HRRP NO.6/2020:

BETWEEN:

Mohan Kumar Nambiar,
S/o. M. Narayana Nambiar,
Aged about 69 years,
R/at D.No.3-31-2544 (A),
Near C.V.Nayak Road,
Kadri Main Road,
Mangaluru – 575 003.

... Petitioner

(By Sri S.N.Bhat, Advocate)

AND:

The Gowda Saraswath Brahmin
Seva Sangha (R)
A registered Society registered under
Societies Registration Act,
Kadri Main Road,
Vyasa Rao lane,
Mangaluru – 575003,
Rep. by its President.

... Respondent

(By Sri Manu Kulkarni, Advocate)

This HRRP is filed under Section 115 of CPC., against the judgment and decree dated 18.10.2019 passed in RRP No.13/2016 on the file of the VI Additional District and Sessions

Judge, D.K., Mangaluru, dismissing the rent revision petition and confirming the judgment and order dated 15.02.2016 passed in HRC No.26/2006 on the file of the II Additional Civil Judge, Mangaluru, allowing the petition filed under Section 27(2)(a)(r) and Section 5 of Karnataka Rent Act, 1999.

IN HRRP NO.7/2020:

BETWEEN:

I. Laxminarayan Rao,
S/o Sridhar Rao,
Aged about 73 years,
R/at D.No.3-31-2548,
Near C.V. Nayak Road,
Kadri Main Road,
Mangaluru – 575 003.

... Petitioner

(By Sri S.N.Bhat, Advocate)

AND:

The Gowda Saraswath Brahmin
Seva Sangha (R)
A registered Society registered under
Societies Registration Act,
Kadri Main Road,
Vyasa Rao lane,
Mangaluru – 575003,
Rep. by its President.

... Respondent

(By Sri Manu Kulkarni, Advocate)

This HRRP is filed under Section 115 of CPC., against the judgment and decree dated 18.10.2019 passed in RRP.NO.11/2016 on the file of the VI Additional District and Sessions Judge, D.K., Mangaluru, dismissing the rent revision petition and confirming the judgment and order dated

15.02.2016 passed in HRC No.27/2006 on the file of the II Additional Civil Judge, Mangaluru, allowing the petition filed under Section 27(2)(a)(r) and Section 5 of Karnataka Rent Act, 1999.

These HRRPs are coming on for *Orders* this day, the Court made the following through video conference:

ORDER

Heard learned counsel for petitioners and learned counsel for respondent.

2. Pursuant to the order dated 17.08.2020, the petitioners in HRRP Nos.5, 10, 6 and 7 have filed an affidavit to the effect that the petitioners are in actual occupation of subject premises as on date.

3. Learned counsel for petitioners submits that if the petitioners are granted one year time from today ending with 31/08/2021, the petitioners undertake to vacate the premises in their occupation without driving the respondent-landlord to execution petitions or for any coercive action.

4. Learned counsel appearing for contesting respondent – landlord submits that though a period of six months is

reasonable yet having regard to the fact that these petitions are pending since the year 2006, the respondent is agreeable to grant one year time from today subject to the petitioners filing separate affidavits to the effect that they would vacate the premises without driving the respondent-landlord for any further litigation.

5. Submissions of the respective counsels is placed on record.

6. In view of the above submissions, without entering into the merits of the contentions urged in the petitions, the impugned orders passed by the trial Court are confirmed. The petitioners in HRRP Nos.5/2020, 10/2020, 6/2020 and 7/2020 are directed to vacate the respective petition schedule premises in their occupation and deliver vacant possession thereof to the respondent-landlord on or before 31/08/2021 without driving the respondent to any further litigation.

7. Petitioners shall file their affidavits undertaking to vacate the premises on or before 31/08/2021 and to pay the

mesne profits until the date of surrender at the rate in which the rents are being paid by them in respect of the premises. The said affidavits shall be filed before this Court within 15 days from today, failing which, this order shall become inoperative and respondent shall be at liberty to execute the impugned orders, without any further orders from this Court.

These petitions are ***disposed of*** in terms of the above order.

**Sd/-
JUDGE**

KA/NBM