



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE R. NATARAJ

CIVIL REVISION PETITION NO. 611 OF 2023 (IO)

C/W

CIVIL REVISION PETITION NO. 630 OF 2023 (IO),

CIVIL REVISION PETITION NO. 633 OF 2023 (IO)

IN CRP No.611/2023:

BETWEEN:

1. M/S SREENIVAS ENTERPRISES
REPRESENTED BY THE MANAGING PARTNERS:
SRI.K.R RAVISHANKAR AND
SMT. ANITHA RAVISHANKAR,
VITTOBA TEMPLE STREET,
DODDABALLAPURA,
DODDABALLAPURA TALUK,
BENGALURU DISTRICT - 561203.
2. SRI. K.R. RAVISHANKAR
S/O K.C. RUDRE GOWDA,
AGED ABOUT 64 YEARS,
MANAGING PARTNER,
M/S SREENIVASA ENTERPRISES,
C/O URVASHI THEATRE,
NO. K-40, H. SIDDAIAH ROAD,
BENGALURU - 560027.
3. SMT. ANITHA RAVISHANKAR
W/O K.R. RAVISHANKAR,
AGED ABOUT 60 YEARS,
M/S SREENIVASA ENTERPRISES,
C/O URVASHI THEATRE,
NO.K-40, H. SIDDAIAH ROAD,
BENGALURU - 560027.

...PETITIONERS

(BY SRI. T. SESHAGIRI RAO, ADVOCATE)

Digitally
signed by
SUMA
Location:
HIGH
COURT OF
KARNATAKA



AND:

1. M/S BASETTY TRUST
REGISTERED OFFICE AT NO.15,
13TH MAIN, JAGRUTHI COLONY,
PUTTENAHALLI, J.P.NAGAR,
7TH PHASE,
BENGALURU - 560078.

REPRESENTED BY:

2. THE PRESIDENT
SRI. B.N.RAM MOHAN,
S/O LATE B.K. NARAYAN,
AGED ABOUT 68 YEARS,
RESIDING AT NO. 15, 13TH MAIN,
JAGRUTHI COLONY, PUTTENAHALLI,
J.P.NAGAR VII PHASE,
BENGALURU - 560078.
3. THE SECRETARY
SRI. B.V. BADRINATH,
S/O LATE B.R. VENKATESH,
AGED ABOUT 62 YEARS,
RESIDING AT NO. 512,
ASHWATHAKATTE ROAD,
V.V.PURAM,
BENGALURU - 560011.

TRUSTEES:

4. SRI. B.V. CHANDRASEKAR
S/O LATE B.R. VENKATARAMANA SETTY,
AGED ABOUT 78 YEARS,
RESIDING AT NO. 100/24,
10TH D MAIN ROAD, V.V.PURAM,
BENGALURU - 560011.
5. SRI.S.K. KISHORE
S/O LATE B.S. KRISHNAMURTHY,
AGED ABOUT 59 YEARS,
RESIDING AT NO.33, 2ND FLOOR,
OPPOSTIE GOVERNMENT,
MATERNITY HOSPITAL,
SAJJAN RAO ROAD, V.V.PURAM,
BENGALURU - 560 004.



6. SMT. B.N. RAJESHWARI
W/O V.B. KRISHNAIAH CHETTY,
D/O LATE B.R. NAGARAJAN,
AGED ABOUT 64 YEARS,
RESIDING AT NO. 593,
21ST MAIN ROAD, 4TH T BLOCK,
JAYANAGAR,
BENGALURU - 560041.

...RESPONDENTS

(BY SRI. P.P. HEGDE, SENIOR COUNSEL FOR
SRI. VISWANATHA SETTY V, ADVOCATE
FOR R1, R2, R3, R5 AND R6)

THIS CRP IS FILED UNDER SECTION 115 OF CPC, AGAINST
ORDER DATED 25.09.2023 ON IA NO.45 IN O.S.NO.3840/2018 ON
THE FILE OF THE XXII ADDITIONAL CITY CIVIL JUDGE AND
SESSIONS JUDGE, (CCH-7), BENGALURU REJECTING THE IA NO.45
FILED UNDER ORDER 7 RULE 10 OF CPC TO RETURN THE PLAINT
FOR WANT FOR JURISDICTION.

IN CRP NO.630/2023

BETWEEN:

1. M/S SREENIVAS ENTERPRISES
REPRESENTED BY
THE MANAGING PARTNERS:
SRI.K.R RAVISHANKAR AND
SMT. ANITHA RAVISHANKAR,
VITTOBA TEMPLE STREET,
DODDABALLAPURA,
DODDABALLAPURA TALUK,
BENGALURU DISTRICT - 561203.
2. SRI. K.R. RAVISHANKAR
S/O K.C. RUDRE GOWDA,
AGED ABOUT 64 YEARS,
MANAGING PARTNER,
M/S SREENIVASA ENTERPRISES,
C/O URVASHI THEATRE,
NO. K-40, H. SIDDAIAH ROAD,
BENGALURU - 560027.
3. SMT. ANITHA RAVISHANKAR
W/O K.R. RAVISHANKAR,
AGED ABOUT 60 YEARS,



M/S SREENIVASA ENTERPRISES,
C/O URVASHI THEATRE,
NO.K-40, H. SIDDAIAH ROAD,
BENGALURU - 560027.

...PETITIONERS

(BY SRI. T SESHAGIRI RAO AND SRI. SUNIL S. RAO, ADVOCATES)

AND:

1. SHRI.B.V.NARAYAN
S/O LATE.B.V.VENKATARAMANA SETTY
AGED ABOUT 86 YEARS
R/AT NO.100/24, 10TH 'D' MAIN ROAD
1ST BLOCK, JAYANAGAR
BENGALURU - 560 011.
2. SRI.B.V. CHANDRASEKAR
S/O LATE B.R. VENKATARAMANA SETTY,
AGED ABOUT 78 YEARS,
RESIDING AT NO. 100/24,
10TH D MAIN ROAD, V.V.PURAM,
BENGALURU - 560011.

SINCE DEAD BY LR'S

- 2(a) SMT. JALAJA SHEKAR
W/O. LATE B.V.CHANDRASHEKAR
AGED ABOUT 69 YEARS
- 2(b) SRI. HEMANTH CHANDRASHEKAR
S/O. LATE B.V.CHANDRASHEKAR
AGED ABOUT 46 YEARS
- 2(c) SRI. ANUP BANGALORE CHANDRASHEKAR
S/O. LATE B.V.CHANDRASHEKAR
AGED ABOUT 43 YEARS

ALL ARE R/AT. NO.100/24
10TH 'D' MAIN ROAD
1ST BLOCK, JAYANAGAR
BANGALORE 560 011.

...RESPONDENTS

(BY SRI. P.P. HEDGE, SENIOR COUNSEL FOR SRI. VISHWANATH
SETTY V, ADVOCATE FOR C/R1 AND R2(a) TO R2(c))



NC: 2023:KHC:42739
CRP No. 611 of 2023
C/W CRP NO. 630 of 2023,
CRP NO. 633 of 2023

THIS CRP IS FILED UNDER SECTION 115 OF CPC, AGAINST THE ORDER DATED 25.09.2023 PASSED ON I.A.NO.34 IN O.S.NO.3842/2018 ON FILE OF XXII ADDITIONAL CITY CIVIL JUDGE AND SESSIONS JUDGE, (CCH-7), BANGALORE REJECTING THE IA NO.34 FOR RETURN OF PLAINT FOR WANT OF JURISDICTION.

IN CRP NO.633/2023:

BETWEEN:

1. M/S SREENIVAS ENTERPRISES
REPRESENTED BY THE MANAGING PARTNERS:
SRI.K.R RAVISHANKAR AND
SMT. ANITHA RAVISHANKAR,
VITTOBA TEMPLE STREET,
DODDABALLAPURA,
DODDABALLAPURA TALUK,
BENGALURU DISTRICT - 561203.
2. SRI. K.R. RAVISHANKAR
S/O K.C. RUDRE GOWDA,
AGED ABOUT 64 YEARS,
MANAGING PARTNER,
M/S SREENIVASA ENTERPRISES,
C/O URVASHI THEATRE,
NO. K-40, H. SIDDAIAH ROAD,
BENGALURU - 560027.
3. SMT. ANITHA RAVISHANKAR
W/O K.R. RAVISHANKAR,
AGED ABOUT 60 YEARS,
M/S SREENIVASA ENTERPRISES,
C/O URVASHI THEATRE,
NO.K-40, H. SIDDAIAH ROAD,
BENGALURU - 560027.

...PETITIONERS

(BY SRI. T. SESHAGIRI RAO, ADVOCATE)

AND:

1. SHRI. B K RAJENDRA PRASAD
S/O LATE B. KRISHNA SHETTY
AGED ABOUT 70 YEARS
R/AT NO. 31, 11TH 'A' CROSS,
1ST FLOOR, SWIMMING POOL EXTN,
SUDHINDRA NAGAR, MALLESWARAM,
BENGALURU - 560 003.



- 2 . SRI B.N. RAMA MOHAN,
S/O LATE B K NARAYAN,
AGED ABOUT 68 YEARS
RESIDING AT NO. 15, 13TH MAIN,
JAGRUTHI COLONY, PUTTENAHALLI,
J.P. NAGAR VII PHASE,
BENGALURU – 560 078.
- 3 . SRI. B.G.SHANKAR,
S/O LATE B.K.GOPAL,
AGED ABOUT 60 YEARS
RESIDING AT NO. 2069,
EAST END "B" MAIN, 39TH CROSS,
JAYANAGAR IX BLOCK,
BENGALURU – 560 069.
- 4 . SRI. B.M.SRINATH,
S/O LATE B.K.MANJUNATH,
AGED ABOUT 63 YEARS
RESIDING AT NO. 128/7,
7TH MAIN ROAD, LAKKSANDRA EXTN.,
WILSON GARDEN,
BENGALURU – 560 030.
- 5 . SRI B.G. MAHESH
S/O LATE B.K. GOVINDARAJ,
AGED ABOUT 52 YEARS,
RESIDING AT NO. 69,
EAST PARK ROAD,
14TH CROSS, MALLESWARAM,
BENGLAURU - 560 003.

...RESPONDENTS

(BY SRI. P.P. HEGDE, SENIOR COUNSEL FOR
SRI. V.VISHWANATH SETTY, ADVOCATE)

THIS CRP IS FILED UNDER SECTION 115 OF CPC, AGAINST
THE ORDER DATED 25.09.2023 PASSED ON I.A.NO.34 IN
O.S.NO.3841/2018 ON FILE OF XXII ADDITIONAL CITY CIVIL JUDGE
AND SESSIONS JUDGE, BANGALORE REJECTING THE IA NO.34 FILED
UNDER ORDER 7 RULE 10 OF CPC FOR RETURN OF PLAINT.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, THE
COURT MADE THE FOLLOWING:



ORDER

1. CRP No.611/2023 is filed challenging the order dated 25.09.2023 passed by the XXII Additional City Civil and Sessions Judge, Bengaluru City in O.S No.3840/2018, by which, an application (IA No.45) filed by the petitioners under Order VII Rule 10 of CPC was rejected .

2. CRP No.630/2023 is filed challenging the order dated 25.09.2023 passed by the XXII Additional City Civil and Sessions Judge, Bengaluru City in O.S No.3842/2018, by which, an application (IA No.34) filed under Order VII Rule 10 of CPC was rejected.

3. CRP No.633/2023 is filed challenging the order dated 25.09.2023 passed by the XXII Additional City Civil and Sessions Judge, Bengaluru City in O.S No.3841/2018, by which, an application (IA No.34) filed under Order VII Rule of 10 CPC was rejected.

4. In all these petitions, the respondents were plaintiffs, while the petitioners were the defendants. They shall be referred to accordingly in this order to maintain clarity.



5. The suits in O.S Nos.3840/2018, 3841/2018 and 3842/2018 were filed for ejectment of the tenants/defendants/petitioners from the commercial premises bearing No.K-40, Siddaiah Road, Bengaluru – 560 027. It was claimed in all the suits that the suit properties belonged to the plaintiffs and that the portions of the same were leased out to the defendants in all the three suits.

6. The following reliefs were sought for in all the three suits:

"IN O.S.NO. 3840/2018

WHEREFORE, the plaintiffs above named humbly pray that this Hon'ble Court may be pleased to pass a Judgment and Decree against the defendants:

(a) Directing the defendants to vacate and handover the vacant possession of the schedule property to the plaintiffs and other owners of the remaining portion of Urvashi Theatre complex building who have filed two separate suits along with the above suit, as-is-where-is basis along with the constructed building thereon, failure adhere to the same on part of the defendants, this Hon'ble Court may be pleased to vacate the defendants from the schedule property and to handover possession of the same to the plaintiffs as-is-where-is basis, through Court machinery of this Hon'ble Court;



(b) Direct the defendants to pay damages of Rs 25,00,000/- (Rupees Twenty five lakh only) per month from 24.04.2018 till the date of handing over possession of the schedule property to the plaintiffs as-is-where-is basis as per the terms of registered lease deed;

(c) To pass such other relief/s as this Hon'ble Court deems fit in the circumstances;

(d) Direct the defendants to pay the cost of the suit;

IN O.S.NO. 3841/2018

WHEREFORE, the plaintiffs above named humbly pray that this Hon'ble Court may be pleased to pass a Judgment and Decree against the defendants:

(a) Directing the defendants to vacate and handover the vacant possession of the schedule property to the plaintiffs and other owners of the remaining portion of Urvashi Theatre complex building who have filed two separate suits along with the above suit, as-is-where-is basis along with the constructed building thereon. failure to adhere to the same on part of the defendants, this Hon'ble Court may be pleased to vacate the defendants from the schedule property and to handover possession of the same to the plaintiffs as-is-where-is basis, through Court machinery of this Hon'ble Court:

(b) Direct the defendants to pay damages of Rs 12,50,000/- (Rupees Twelve lakh and fifty thousand only) per month from 24.04.2018 till the date of handing over possession of the schedule property to the plaintiffs as-



is-where-is basis as per the terms of registered lease deed:

(c) To pass such other relief's as this Hon'ble Court deems fit in the circumstances:

(d) Direct the defendants to pay the cost of the suit;

IN O.S.NO.3842/2018

WHEREFORE, the plaintiffs above named humbly pray that this Hon'ble Court may be pleased to pass a Judgment and that this against the defendants;

(a) Directing the defendants to vacate and handover the vacant possession of the schedule property to the plaintiffs and other owners of the remaining portion of Urvashi Theatre complex building who have filed two separate suits along with the above suit, as-is-where-is basis along with the constructed building thereon. failure to adhere to the same on part of the defendants. this Hon'ble Court may be pleased to vacate the defendants from the schedule property and to handover possession of the same to the plaintiffs as-is-where-is basis, through Court machinery of this Hon'ble Court;

(b) Direct the defendants to pay damages of Rs 12,50,000/- (Rupees Twelve lakh and fifty thousand only) per month from 24.04.2018 till the date of handing over possession of the schedule property to the plaintiffs as-is-where-is basis as per the terms of registered lease deed;



(c) To pass such other relief's as this Hon'ble Court deems fit in the circumstances:

(d) Direct the defendants to pay the cost of the suit;"

7. When the suits were set down for arguments, the petitioners/defendants filed an applications under Order VII Rule 10 of CPC contending that the rent payable by the defendants admittedly was Rs.1,375/- per month in all the cases and therefore, the City Civil Court had no jurisdiction in view of Section 8 of the Karnataka Small Causes Court Act, 1964 (for short 'the Act of 1964'). Therefore, they prayed the Court to return the plaint. These applications were objected by the plaintiffs who contended that in addition to ejectment, the plaintiffs had also sought for recovery of damages at the rate of Rs.25,00,000/- per month, Rs.12,50,000/- per month and Rs.12,50,000/- per month respectively and therefore, the same was outside the pecuniary jurisdiction of the Small Causes Court.

8. The Trial Court after considering the contention urged, rejected the applications in terms of the order dated 25.09.2023 on the ground that the issues framed in the suit



had to be decided by it. It noticed that the suit filed by the defendants in O.S No.3842/2018 was ordered to be clubbed at the instance of the defendants along with other suits and therefore, it was that Court alone which had jurisdiction to decide the suits. Therefore, it held that defendants are estopped from denying that the Court had no pecuniary jurisdiction to try the suits that too at a belated stage of the proceedings. Being aggrieved by the said orders, the tenants/defendants in the aforesaid suit have filed these civil revision petitions.

9. The learned counsel for the petitioners/defendants in all these petitions invited the attention of the Court to Section 8 of the Act of 1964 and contended that Small Causes Court established in the Metropolitan City of Bengaluru is entitled to exercise jurisdiction concerning matters which are provided in Schedule I of the Act of 1964. As a result, he submits that all suits for ejectment by a landlord have to be dealt with by the Small Causes Court only and no other Courts. He also invited attention of this Court to Section 9 of the Act of 1964 and contended that the jurisdiction of the Civil Court is



expressly ousted and therefore, the Civil Court has no jurisdiction to try the suit. He also submitted a suit for mesne profit can also to be tried by the Small Causes Court as provided under Entry 28 of Schedule I of the Act of 1964. In this regard, he relied upon the judgment of the Full Bench of this Court in the case of **Abdul Wajid v. A.S.Onkarappa** reported in **ILR 2011 KAR 229** and contended that this Court categorically held that all suits for ejectment in respect of the premises to which the provisions of the Karnataka Rent Act, 1999 are not applicable are to be dealt with by the Small Causes Court only. He also invited the attention of the Court to paragraph No.93 and contended that it is the rent payable for one year prior to the presentation of the plaint which is a marker to determine the jurisdiction and any suit for recovery of mesne profit also has to be tried by the Court of Small Causes. He referred to paragraph No.98 which reads as follows:

"98. Therefore, we hold that Courts of Small Causes have jurisdiction to take cognizance of not only a bare suit for Ejectment but also a suit for Ejectment with a prayer for recovery of mesne profits or damages, in respect of the premises to which KR Act is not applicable. In View of this,



we hold that the interpretation placed by the Division Bench in Sarojamma's case, on Clause (b) of Article 4 of Schedule to KSCC Act does not lay down the correct law."

10. The learned counsel for petitioners relied upon the judgment in the case of **Harshad Chiman Lal Modi v. DLF Universal Ltd and another** reported in **(2005) 7 SCC 791** and contended that the parties cannot vest jurisdiction and though objections regarding territorial and pecuniary jurisdiction had to be taken at the earliest possible opportunity where the Court has no jurisdiction, the same could be assailed at any stage of the proceedings. He referred to the judgment of Co-ordinate Bench of this Court in the case of **Ramesh P.Seth v. M.S.Krishna Murthy and Another** reported in **ILR 2002 KAR 565** and contended that this Court held in paragraph No.6 which reads as follows:

"6. Therefore, Section 31 of the K.R.C. Act exempts the operation of Part V dealing with control of eviction of tenants and the obligation of the landlords to a non-residential building, the monthly rent of which exceeds Rs. 500.00. The said section does not exclude the application of other parts and provisions of the K.R.C. Act to the lease in respect of non-residential building the monthly rent of which exceeds Rs. 500.00. In view of the definition of tenant, contained in Section



3(r) of the K.R.C. Act, a person continuing in possession after termination of the tenancy in his favour, also would be a tenant. Even after the tenancy of a tenant of a non-residential building the monthly rent of which exceeds Rs. 500.00 terminated, he continues to be a tenant and he is liable to pay the agreed rent to the landlord even after the termination. His position after the termination of the tenancy would not become unlawful and his liability to pay rent does not cease. With the termination of contractual tenancy, statutory tenancy commences under the K.R.C. Act, Therefore, the question of such a tenant paying damages for use and occupation or compensation for use and occupation of the leased premises after the termination of the tenancy or paying mesne profits does not arise, because of the application of the K.R.C. Act. All the other rights and obligations and the liabilities continue to operate under the K.R.C. Act.”

11. He also referred to another judgment of Co-ordinate Bench of this Court in W.P No.65/2013 dated 10.01.2013 and contended that following the judgment of Full Bench of this Court, this Court had held that a suit for ejectment had to be tried by the Small Causes Court only.

12. Per contra, the learned Senior Counsel representing the plaintiffs contended that the defendants had filed O.S No.3858/2016 for extending the lease of the premises in



question. In the said suit, an application was filed by the petitioners/defendants for clubbing O.S No.3858/2016 along with suit in O.S No.3840/2018 and other suits. The application filed by the defendants to club all the suits was rejected by the Trial Court and the defendants filed W.P Nos.27007/2019, 27009/2019, 27010/2019, 27011/2019, 27012/2019 and 27013/2019 before this Court and prayed that all the suits be clubbed as it involved the same subject matter. This Court in terms of the order dated 03.07.2019 allowed the petitions and directed all the suits to be clubbed and a common trial to be held. He therefore contended that the defendants invited an order from this Court that all the suits have to be tried together. If that be so, he contends that the defendants are now estopped from contending that the suits filed for ejectment have to be tried by the Small Causes Court. He contends that the issues that are framed by the Court in O.S No.3858/2016 cannot be adjudicated upon by the Small Causes Court. He next contends that the suits are filed not only for ejectment but also for recovery of damages of a sum of Rs.25,00,000/-, Rs.12,50,000/-, Rs.12,50,000/- respectively and therefore, it is outside the pecuniary jurisdiction of the Small Causes Court.



He contends that the pecuniary limit of the Small Causes Court is incorporated under Section 8 of the Act of 1964 which reads as following:

"8. Cognizance of suits by Courts of Small Causes.—

(1) A Court of Small Causes shall not take cognizance of the suits specified in the Schedule as suits excepted from the cognizance of a Court of Small Causes.

(2) Subject to the exception specified in the schedule and to the provisions of any law for the time being in force, all suits of a civil nature of which the value does not "one lakh rupees" in other places, shall be cognizable by a court of small causes."

Provided that the State Government, in consultation with the High court, may by notification, direct that all suits of which the value does not exceed [twenty five thousand rupees] shall be cognizable by a Court of Small Causes mentioned in the notification."

13. He therefore contends that since the present suits are filed for recovery of damages of sums exceeding Rs.2,00,000/-, the Small Causes Court has no jurisdiction to decide the suits. He contends that indisputably a suit for recovery of damages, which does not exceed the pecuniary



limits of the Small Causes Court can be entertained by the Small Causes Court but if it spills over the sum of Rs.2,00,000/-, the Small Causes Court has no jurisdiction. The learned counsel also relied upon the judgment of Full Bench of this Court in the case of **Abdul Wajid v. A.S.Onkarappa** reported in **ILR 2011 KAR 229** and contended that jurisdiction being a threshold test, has to be examined with respect to the reliefs sought for in the suit and not in vaccum. He contended that the jurisdiction of the Small Causes Court as founded by the Full Bench is limited to examine whether there exists a relationship of landlord and tenant and if the answer is in the affirmative then the question, whether the relationship is properly terminated in accordance with law would be considered. He contended that a perusal of the plaint filed by the defendants in O.S No.3858/2016 and the written statement filed in O.S No.3840/2018 and others discloses that the defendants denied the title of the plaintiffs in the suit property and therefore the suit is more or less for the recovery of possession based on title and hence it is the Civil Court which has jurisdiction.



14. I have considered the submissions of learned counsel for petitioners and learned counsel for respondents in all these petitions.

15. In these petitions, we are only concerned with the jurisdiction of the Small Causes Court to entertain the suits filed by the plaintiffs/respondents herein.

16. The suits in O.S Nos.3840/2018, 3841/2018 and 3842/2018 were filed for the reliefs stated *supra*.

17. The valuation slip indicates that the suits were valued under Section 41 of the Karnataka Court Fees and Suits Valuation Act, 1958 claiming that the defendants were the tenants occupying portions of the commercial property and that the rent payable was a sum of Rs.1,375/- per month. Therefore, even as per the understanding of the plaintiffs, the suits were for relief of ejectment of the tenants from suit schedule property. Now coming to the question whether the Small Causes Court or the Civil Court has jurisdiction to try the suit or not, Section 8 of the Act of 1964 is relevant and the same is extracted below:



"8. Cognizance of suits by Courts of Small Causes.—

(1) A Court of Small Causes shall not take cognizance of the suits specified in the Schedule as suits excepted from the cognizance of a Court of Small Causes.

(2) Subject to the exception specified in the schedule and to the provisions of any law for the time being in force, all suits of a civil nature of which the value does not "one lakh rupees" in other places, shall be cognizable by a court of small causes.

Provided that the State Government, in consultation with the High court, may by notification, direct that all suits of which the value does not exceed [twenty five thousand rupees] shall be cognizable by a Court of Small Causes mentioned in the notification."

18. A perusal of the Schedule I of the Act of 1964 discloses that every suit for ejectment by a landlord against the tenant has to be tried by the Small Causes Court subject to the limits of its pecuniary jurisdiction namely a sum of Rs.2,00,000/-. Likewise, the Small Causes Court is also entitled to entertain a suit for mesne profit which is again subject to the limits of its pecuniary jurisdiction. In the case on hand, the suits were undoubtedly filed for ejectment of the petitioners/defendants from the suit properties and agreed rent



is a sum of Rs.1,375/- per month in all the cases. Ordinarily, the suit must have been tried by the Small Causes Court but for the fact that the plaintiffs had also sought for relief of recovery of damages of Rs.25,00,000/-, Rs.12,50,000/- and Rs.12,50,000/- respectively. When a suit is filed for recovery of damages for a sum of Rs.25,00,000/-, Rs.12,50,000/- and Rs.12,50,000/- respectively it was outside the jurisdiction of the Small Causes Court and therefore, such a suit could not have been filed before the Small Causes Court as it could not have granted a decree of recovery of damages of a sum of Rs.2,00,000/-, Rs.12,50,000/- and Rs.12,50,000/- respectively. This apart, the defendants who were aware of the fact that they were tenants occupying portions of the suit schedule properties had filed O.S No.3858/2016 for extension of lease, could not have slept over the fact that suits in O.S Nos.3840/2018, 3841/2018 and 3842/2018 were filed before the City Civil Court, Bengaluru. They did not raise any objection from the date the suits were filed till the date the cases were taken up for final arguments. On the contrary, they desired that all the suits filed by them as well the plaintiffs in O.S Nos.3840/2018, 3841/2018 and 3842/2018 be clubbed and heard together and



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though the Trial Court rejected the applications initially, the same was challenged by the defendants/petitioners herein before this Court in various writ petitions and they invited an order in terms of which, all suits were ordered to be tried together. Therefore, the defendants cannot now at the fag end of the proceedings contend that the Civil Court had no jurisdiction to entertain the suits filed by the plaintiffs for ejectment of defendants in the suit property.

19. In that view of the matter, there is no error apparent on the face of the record warranting interference by this Court. Consequently, all these petitions are ***dismissed***.

All contentions are left open to be considered by the Trial Court.

**Sd/-
JUDGE**