

Karnataka High Court
Mukeshkumar vs M Seethlakshmi on 13 October, 2009
Author: B.Sreenivase Gowda

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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED TI-IIS THE 13TH DAY OF OCTOBER, 2009
B E F O R E

THE HON'BLE MR. JUSTICE BSREENIVASE

H.R.R.P. No. 179 of 2009 (Evi}--*.,'::" 0

BETWEEN:

Sir. Mukeshkumar,

Aged about 30 years,

W/o. ShanthiIa1JaiI1,

M/S. Pooja Enterprises,

Shop No.5, No.12/1, _ _ _
New Corporation No.1E-. _2'}'«.4, 5 . ~ V '
Katriguppe Main. road, ' '0 0' ;
B.S.K. 3rd Stage, E

Bangalo1'e--56V0

* _ ; »-- _ PETITIONER
{By s;:, H. R". Manjune_ tha, Adv.)

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Aged'abou"tf years,
W/ox Sri'. 'S, 'V. Srirama Reddy,

v._PreseI:tlly"; residing at No. 12/ 116,
. 2"? Cross, Kaverinagar, '
"«.'Katriguppe Main Road,

]E3~..S'.K. SIG Stage,

E Bangalore-560 085.

RESPONDENT

(By Sri. S. K. Srinivasa for Caveator Respondent) *!=!=!=** This HRRP □ed U/s 46(1) of KR Act, agd:ee\$etfthe order dated: 14.08.2009 passed in HRC No_.\$_f//«2'oo8:_vo11_ the □e of the IX Add}. Judge, court of " Member, MACT-7, Bangalore, rejecting pe.titio-n'□ed by t_h€'g petitioner there in U/sec 27[2') {a}{C}« of K.R';«__Act7=ar'1d T allowing the petition □ed by

the';petiti::neii_t'hereinf'eeU fsec 27(2){1'}ofthe K.R. Act. _ o''' ' This HRRP Corning on for Admission, this day, the Court, Passed. . . the xfellofwingiz This is tenant chalienging the oridex'-_of -dt.'14-8~09 in allowing the eviction pet1t1dh""□ed - the landlady and directing the tenanptdyto vacate over vacant possession of the o": pvfemiseis ' to landlady.

For the sake of convenience. parties are as they are referred to in the HRC before the tfial -Court.

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3. The respondent -- landlady brought an eviction petition in HRC No.1'/?/08 seeking evictions;oigthe petitioner --- tenant under Sec.27[2]{c) Karnataka Rent Act, 1999, herei_na_fter re"fe'rred. the » Rent Act for short. It was resisted t'he'ti't.enant: detailed statement of objectio_n's...V' The stipportt of her case examined herself " .?.,.R.VJ3,t\$ura1idhar as P.W.2 and producedti are marked as EX.P.1 to The of his defence examined produced 3 documents which The trial Court by impugned: eviction petition under Sec. 27(2}{(a--] " oefhvethe Act and aiiowed it under Sec. e t"i27(2-□) the Aetdehd directed the tenant to quit and A'ha.nd.ptoVer□;af:a:?1t possession of the premises in favour of the"1and'Iadj,9"\\$athin two months from the date of the order. Vtppt□ektggrieved by the same, the tenant is before this Court. '%

4. There is no dispute between the parties with regard to their relationship as landlady and tenant and the rate of rent is Rs.2,960/- p.m. as of now and receipt of advance of Rs.50,000/- by the landlady The premises in question is a Commercial premise_s.. in

5. The learned Counsel T after arguing the matter forisome agreeVd_t_o resoixeli» the dispute by settlement. ,learriedl_:Coulfmse1 after negotiating the matter""--.ii*i _tl"i--e their respective parties and arrived :at""»a:"gfixrhereunder, the landlady has years time to the tenant to vacate and hand' over " vacant possession of the premises. g_ The»*'tena'1itV has '*ag_1feevd to take the said time and vacate

-ha~;r_id oiIer.._Vacant possession of the premises to the maiady; W T Accordingly, this petition is disposed of subject A "it following terms and conditions. &

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iii) The petitioner -- tenant is granted 2 years time to quit, vacate and deliver the vacant possession of the petition schedule premises in favour of the landlady.

Two years time granted to the to payment of rent _and e1éetr'ieAit;y ""charges'V regularly as and when '[l,f1e'yj?l5€?.(2.'o.I'IV1"EE"dV1::1s\$ and payable.

It was also _agreed__hetwe.en the that the enhancement of rent ~ this two year period is at the iijateof expiry of every one year asfhas _l;:-eendone earlier. * T'he"te:frant vlisadireeted to quit, vacate and hand over vaeat1t-- possession of the petition schedule premises to 'the landlady on or before 31st ()ctoloer""":2oll voluntarily without giving room the landlady to file an execution petition.

the period of two years time granted by the landlady to the tenant, the tenant should not create third party interest in respect of the petition schedule premises or change the nature of the premises.

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vii) During the period of two years time granted by the landlady in favour of the tenant, landlady is directed not to cause any of interference with the possession ___'___' and enjoyment of the petition schedule. ___:pre_rni'sesthy'V' the tenant.

Landlady shad} return"

Rs.50,000/-- to Vdthe-..___tena'nt ttenant vacating the petition" sob edu 1e' prernises.

viii) The redirected to file an undertaking" an affidavit incor" "o1ati"ri: " above tertr1s';'* In View of matter, application for stay' does 'inot___yA S1 "1'or. ___C:onsideration. Sd/-

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