

6405/4

K.S. Mahadevan
RFA No.621/09

- 1 -

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH 2015

BEFORE

THE HON'BLE MR.JUSTICE ANAND BYRAREDDY

REGULAR FIRST APPEAL NO. 621 OF 2009

Between:

Mr. D. S. Shekhawat
S/o. Late Nathu Sing
Aged about 45 years
R/a. B-5, Brindavan Apartments
Adugodi, Hosur Road
Bangalore - 560030

...Appellant

(By Smt. N. V. Nidhishree, Advocate)

And:

1. M/s. Kirloskar Investments & Finance Ltd.
Unity Building, II Floor, 'C' Block
J.C.Road, Bangalore – 560002
Represented by its Chairman
2. Official Liquidator
Attached to High Court of Karnataka
Corporate Bhavan, No. 26-27, 12th Floor
Raheja Towers, M.G.Road
Bangalore - 560001

... Respondents

(By Shri V. Jayaram, Advocate
Shri, K.S. Mahadevan, Advocate for R2)



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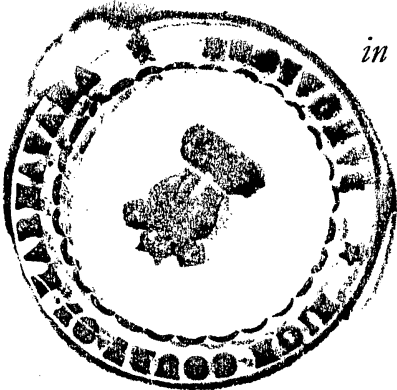
This RFA is filed under Section 96 read with Order 41 of the Code of Civil Procedure, 1908, against the judgment and decree dated 26/3/2009 passed in O.S.No.15081/2002 on the file of the XXVIII Additional City Civil Judge, Mayohall, Bangalore, dismissing the suit for permanent injunction; and etc.

This RFA coming on for final hearing this day, the court made the following:

JUDGMENT

The learned counsel for the parties have filed a joint memo with reads as follows:

- 1. The Appellant shall vacate the schedule property upon the respondent issuing a notice for sale by way of auction in respect of the schedule property, before the actual date of confirmation of sale.*
- 2. Till such time the respondent shall not interfere with the appellant's possession of the schedule property.*
- 3. The appellant shall pay the arrears of damages up to 18.03.2015 (167 months) with effect from 19.04.2001 at the rate of Rs.10,000/- (Rupees Ten Thousand only) per month accumulated to a sum of Rs.16.70 lakhs by adjusting the amount of Rs.6.50 lakhs already deposited in compliance to the Hon'ble High Court order dated 21.11.2012 passed in Misc.Civil No. 11077/2010 in RFA No. 621/2009*



(copy enclosed) within 4 months and further shall pay at the rate of Rs.10,000/- per month as damages with effect from 19th March 2015 and onwards till the date of vacating and handing over possession of the schedule property."

2. It is clarified that the memo which refers to the arrears of rent as well as the future amount to be payable, would be only damages and not rent.

3. Memo is placed on record and appeal is disposed of in terms thereof.



Sd/-
JUDGE

- a) The date on which the application was made 17/3/15
- b) The date on which charges and additional Charges if any are called for _____
- c) The date on which charges and additional Charges if any are deposited/Paid _____
- d) The date on which the copy is ready 18/3/15
- e) The date of notifying that the copy is ready For delivery 18/3/15
- f) The date on which the applicant is required to appear on or before 23/3/15
- g) The date on which the copy is delivered to the Applicant 18/3/15
- h) Examined by B. N.

'TRUE COPY'

[Signature]
Section Officer,
High Court of Karnataka
Bangalore - 560 001