

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND  
SESSIONS JUDGE AT BENGALURU**

Dated this the 17<sup>th</sup> day of January 2026

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,  
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)  
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

**O.S.No.3566/2023**

**PLAINTIFF** : Smt.Shobha G.N.

V/s

**DEFENDANTS** : Sri.Krishnnoji Rao & another.

i.	Provision under which the applications are filed	I.A.No.III – Section 151 of the Code of Civil Procedure.
ii.	Reliefs sought for	To direct the 1 <sup>st</sup> defendant to deposit the rent payable and to be paid till disposal of the suit.
iii.	The date on which the application is are filed	03.08.2024
iv.	Number of the applications	I.A.No.III
v.	The date on which the objections are filed by different opponents	28.01.2025
vi.	The date on which the orders were passed on the said applications	17.01.2026

**ORDERS ON I.A.No.III**

The plaintiff has filed I.A.No.III under Section 151 of the Code of Civil Procedure seeking an order to direct the 1<sup>st</sup> defendant to deposit the rent payable and to be paid in respect of the suit schedule property before this Court.

2. In support of I.A.No.III, the plaintiff has filed her affidavit stating that she is the co-owner of the suit schedule property. She has every right to claim rent. The defendants cannot deny the right of the plaintiff claiming the rent. The 2<sup>nd</sup> defendant is not entitled to receive the rent of the suit schedule property. Hence, this application is filed.

3. The 1<sup>st</sup> defendant has filed objections to I.A.No.III contending that there is no relationship of landlord and tenant between the plaintiff and the 1<sup>st</sup> defendant. Therefore, the 1<sup>st</sup> defendant is not bound to comply the demand of the plaintiff. The 2<sup>nd</sup> defendant let out the property to the 1<sup>st</sup> defendant. He has no awareness of the judgment in O.S.No.2062/1990 and the pendency of

R.F.A.No.1391/2013. The 1<sup>st</sup> defendant is paying the rent to the 2<sup>nd</sup> defendant regularly. Hence, prayed to dismiss I.A.No.III.

4. Heard the learned the Counsel for the plaintiff on I.A.No.III. The learned Counsel for the defendants has filed written arguments on I.A.No.III. Perused the materials available on record.

5. The following point that has been arisen for my consideration:

*Whether the plaintiff has shown sufficient reasons to direct the 1<sup>st</sup> defendant to deposit the rent as prayed in I.A.No.III ? If so, what order?*

6. My answer to the above point is in the Negative for the following:

### **REASONS**

7. This suit is filed by the plaintiff against the defendants to evict the 1<sup>st</sup> defendant by directing him to quit, vacate and handover vacant physical possession of the schedule residential house together with removing the

movable from the schedule premises to the plaintiff, to direct the defendants to pay rent of Rs.10,000/- per month and damages at the rate of Rs.10,000/- per month to the plaintiff from the date of suit till the date of handing over the vacant possession of the suit schedule property.

8. The claim of the plaintiff is that he is the absolute owner of the suit schedule property. The 1<sup>st</sup> defendant is in possession of the suit schedule property as a tenant. The husband of the 2<sup>nd</sup> defendant inducted the 1<sup>st</sup> defendant as a tenant. After his death, the 2<sup>nd</sup> defendant was collecting the rent from the 1<sup>st</sup> defendant. In O.S.No.2062/1990, the suit schedule property was allotted to the plaintiff. Thus, the plaintiff became the owner and landlord of the suit schedule property. The 2<sup>nd</sup> defendant filed R.F.A.No.1391/2013. It is pending for consideration. The plaintiff is entitled to seek ejectment of the 1<sup>st</sup> defendant from the suit schedule property and to collect the rent of the suit schedule property.

9. The 1<sup>st</sup> defendant in his written statement denied the jural relationship between the plaintiff and the 1<sup>st</sup> defendant. He has contended that the plaintiff is not the landlord. He is paying the rent to the 2<sup>nd</sup> defendant as he is the tenant under the 2<sup>nd</sup> defendant. He has not aware of the judgment in O.S.No.2062/1990 and the pendency of R.F.A.No.1391/2013.

10. On perusal of the rival contentions in the pleadings and the suit documents, it appears that in O.S.No.2062/1990, the plaintiff herein was defendant No.1(g) and the subject matter of the suit was item No.2 of schedule 'A'. It appears from the said judgment that no share has been allotted to the plaintiff herein under the said judgment and decree in respect of the suit schedule property. Therefore, prima-facie to substantiate the fact that the plaintiff is the owner of the suit schedule property, there are no supporting documents to the pleadings. Admittedly, the 1<sup>st</sup> defendant is paying rent in respect of the suit schedule property to the 2<sup>nd</sup> defendant. Such being

the circumstances, once again, the 1<sup>st</sup> defendant cannot be directed to deposit the rent before the Court. If the plaintiff is having any claim over the rent in respect of the suit schedule property, her claim has to be adjudicated and till then, the 1<sup>st</sup> defendant cannot be directed to deposit the rent before the Court as prayed in I.A.No.III. For the above reasons, the plaintiff has not shown sufficient reasons to direct the 1<sup>st</sup> defendant to deposit the rent as prayed in I.A.No.III. Hence, I answer the above point is in the Negative. In the result, I proceed to pass the following :

**ORDERS**

I.A.No.III filed by the plaintiff under  
Section 151 of the Code of Civil Procedure  
is hereby dismissed.

No order as to cost.

(Typed by the stenographer in the Court computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court today on this the 17<sup>th</sup> day of January 2026)

**(VEDAMOORTHY B.S.)**

XXXI Addl. City Civil & Sessions Judge,  
Bengaluru.  
C/c V Addl. City Civil & Sessions Judge,  
Bengaluru.