

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

Dated this the 10th Day of November 2025

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)

Ex.No.1769/2022

DECREE HOLDER : Mr.Sudeep Kumar S.,
S/o Late Sai Ananda Prasad,
Aged about 44 years,
Residing at No.1030(238),
19th E Main Road,
Rajajinagar, 1st N Block,
Bengaluru – 560 010.

(By Sri.N.Suresh Kumar, Advocate)

V/s

JUDGMENT DEBTOR : Smt.Kalleshwari,
W/o Late Y.R.Rajesh,
Aged about 41 years,
Residing at First Floor,
No.1030(238), 19th E Main Road,
Rajajinagar. 1st N Block,
Bengaluru – 560 010.

(By Sri.K.Ravishankar, Advocate)

ORDERS ON MESNE PROFITS

This Execution Petition is filed for execution of the judgment and decree passed by this Court in O.S.No.6052/2021 dated 15.07.2022. The judgment and

decree of this Court under execution is as follows :-

The suit of the plaintiff is hereby decree with cost.

The defendant is directed to quit and deliver the vacant possession of the suit schedule property to the plaintiff within one month.

It is hereby ordered and directed that the defendant is liable to pay the arrears of rent of Rs.1.50 lakhs to the plaintiff.

It is hereby ordered to hold a separate enquiry in regard to the mesne profits.

Draw decree accordingly.

2. In terms of the above judgment and decree, on 26.09.2022, the judgment debtor handed over the physical possession of the suit schedule property to the decree holder. On 24.06.2024, the judgment debtor paid Rs.25,000/- to the decree holder. In view of the above judgment and decree, this Court held an enquiry with regard to the mesne profits.

3. During enquiry, the decree holder has produced his

oral evidences as PW1. He has not produced any documentary evidences. On behalf of the judgment debtor, she has produced her oral evidences as RW1. She has also not produced any documentary evidences.

4. The learned Counsels for the decree holder and the judgment debtor have filed their written arguments. Perused the materials available on record.

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

At what rate and between what period, the judgment debtor is entitled for mesne profits ? If so, what order?

6. My answer to the above point is that the decree holder is entitled for mesne profits at the rate of Rs.15,000/- per month from 02.11.2021 to 26.09.2022 for the following:

REASONS

7. The decree holder has filed the suit against the judgment debtors in O.S.No.6052/2021 for ejection of the judgment debtor directing to quit, vacate and deliver the petition schedule property, to direct the judgment debtor to

pay arrears of rent from 01.01.2021 to 01.11.2021 for a period of 10 months at the rate of Rs.15,000/- per month totaling a sum of Rs.1.50 lakhs along with damages for the judgment debtor unauthorized use and occupation of the schedule property. After the suit is not contested by the defendant. The exparte judgment and decree was passed by this Court on 15.07.2022. The judgment debtor challenged the said decree before the Hon'ble High Court of Karnataka in R.F.A.No.2030/2022. Vide judgment and decree dated 07.04.2025, the Hon'ble High Court of Karnataka disposed of the said appeal without interfering with the judgment and decree dated 15.07.2022 passed by this Court in O.S.No.6052/2021 in view of the fact that the judgment debtor handed over the vacant possession of the schedule property to the judgment debtor on 26.09.2022. The rival contentions between the parties with regard to the arrears of rent payable by the decree holder to the judgment debtor, the alleged advance amount to be refunded by the decree holder to the judgment debtor are kept open to consider and adjudicate upon by this Court.

8. Admittedly, as per the judgment and decree, the judgment debtor vacated the suit schedule property on 26.09.2022 and handed over its possession to the decree holder. From 02.11.2021 to 26.09.2022, the possession of the judgment debtor on the suit schedule property is unauthorized use and occupation. Now, the question is what is the rate of mesne profit the decree holder is entitled from the judgment debtor.

9. To prove the claim of mesne profit, the decree holder has produced his oral evidences as PW1. He filed his affidavit by way of examination-in-chief. He has deposed in his examination-in-chief that the rate of rent fixed for the suit schedule property was Rs.15,000/- per month. The judgment debtor paid Rs.2.00 lakhs as security deposit amount to the decree holder. He has claimed the mesne profits at the rate of Rs.15,000/- per month from 01.11.2021 to 26.09.2022. Except the above oral evidences of PW1, the decree holder has not produced any other documentary evidences to substantiate his claim of mesne profits.

10. Per-contra, the judgment debtor has produced her oral evidences as RW1. She filed her affidavit by way of examination-in-chief contending that she is due to pay the rent only for a period of 5 months and the decree holder is not entitled for any mesne profits. She prayed to reject the claim of the decree holder and to direct the decree holder to refund Rs.1.25 lakhs to her.

11. Admittedly, there are no documentary evidences to ascertain the mesne profits. There are no documents by the judgment debtor to substantiate the fact that she is due to pay only 5 months rent to the decree holder. The only evidence available on record is the admissions of both parties to this proceedings. Admittedly, the agreed rate of rent on the schedule property was Rs.15,000/- per month. In the absence of any other materials contrary to the agreed of rate of rent, the decree holder is entitled for the mesne profits at the rate of the agreed rate of rent. Therefore, the decree holder is entitled for mesne profits at the rate of Rs.15,000/- per month from 02.11.2021 to 26.09.2022 i.e., for a period of

10 months and 25 days the calculation of which is Rs.1.75 lakhs.

12. It is admitted fact that the judgment debtor paid Rs.2.00 lakhs as security deposit amount to the decree holder while the judgment debtor was inducted as a tenant. As per the decree, the liability of the judgment debtor to pay arrears of rent is Rs.1.50 lakhs and the cost of the suit was Rs.22,00,345/-. Thus, the judgment debtor was liable to pay Rs.1,72,345/- to the decree holder. Out of the aforesaid adjudged amount, on 24.06.2024, the judgment debtor has paid Rs.25,000/- to the decree holder. It is an admitted fact. After payment of the said amount, the balance amount payable by the judgment debtor to the decree holder was Rs.1,47,345/-. If the adjudged mesne profits is included to the balance amount payable by the judgment debtor to the decree holder, the total amount payable by the judgment debtor to the decree holder is Rs.3,22,345/-. From the said amount, if the security deposit amount of Rs.2.00 lakhs retained by the decree holder is deducted, the amount payable by the judgment debtor to the decree holder is

Rs.1,22,345/-. In the result, I proceed to pass the following;

ORDERS

The decree holder is entitled for mesne profits at the rate of Rs.15,000/- per month from the judgment debtor from 02.11.2021 to 26.09.2022.

After deducting the security deposit amount from the liability of the judgment debtor to pay to the decree holder, the judgment debtor is liable to pay Rs.1,22,345/- to the decree holder.

(Dictated to the stenographer, typed by her, printout taken, corrected and then pronounced by me in the open court today on this the 10th day of November 2025).

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

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

ANNEXURE

List of witnesses examined by the decree holder :

PW1 : Mr.Sandeep Kumar S.

List of documents exhibited for the decree holder :

NIL

List of witnesses examined by the judgment debtor :

RW1 : Smt.Kalleshwari.

List of documents exhibited for the judgment debtor :

NIL

(VEDAMOORTHY B.S.)

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