

**IN THE COURT OF LXXXIII ADDL. CITY CIVIL & SESSIONS JUDGE,
COMMERCIAL COURT, BENGALURU (CCH-84)**

**Present: Sri S. Sudindranath, LL.M., M.B.L.,
LXXXIII ADDL. CITY CIVIL & SESSIONS JUDGE
BENGALURU.**

COM.OS.No.163/2023

Dated on this 2nd day of September 2024

Plaintiff : Sri. P.C.Harimahesh

//Versus//

Defendants : Sri. Balaji Enterprises and others.

I S S U E S

1) Whether the plaintiff proves that the plaintiff is the landlord and defendant No. 1 is the tenant under the plaintiff in respect of the suit schedule premises, whose tenancy has been duly terminated by the plaintiff by way of legal notice dated 14-09-2022 and therefore, defendant No. 1 has no right to continue in possession of suit Schedule premises and thereby plaintiff is entitled to relief of ejection of defendant No. 1 from the suit Schedule premises?

2) Whether the plaintiff further proves that defendant is in arrears of rent to the tune of Rs. 18 lakhs and therefore plaintiff is entitled to recover the said sum from the defendant along with interest at 18% per annum?

3) Whether the plaintiff proves that plaintiff is entitled to mesne profits / damages for unlawful occupation of suit

Schedule property by defendant No. 1 subsequent to termination of tenancy, as prayed for?

4) Whether the defendants prove that the suit does not involve commercial dispute and therefore this court does not have the jurisdiction to entertain the present suit?

5) Whether the defendants prove that suit is not maintainable without seeking declaration of title by the plaintiff?

6) Whether the Defendants prove that the court fees paid is insufficient?

7) Whether the defendants prove that suit is not maintainable due to non-compliance of PIM under Section 12A of the Commercial Courts Act?

8) Whether the defendant No. 2 and 3 prove that they are the co-owners of the suit schedule property who have let out the suit schedule property to defendant No. 1 and therefore the suit filed by the plaintiff is not maintainable?

9) Whether the plaintiff is entitled to the reliefs claimed?

10) What order or decree?

**LXXXIII ADDL.CITY CIVIL AND SESSIONS JUDGE,
COMMERCIAL COURT: BENGALURU.**