



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

HOUSE RENT REV. PETITION NO.200001/2024

BETWEEN:

SYED ABDUL RAHEMAN S/O SYED NOORUDDIN,
AGED ABOUT 70 YEARS, OCCUPATION BUSINESS,
RESIDENT OF H.NO. 5-3-214/1,
NEAR DECENT FUNCTION HALL,
DULHAN DARWAJA ROAD,
BIDAR-585401

...PETITIONER

(BY SRI R.S. SIDHAPURKAR, ADVOCATE)

AND:

SYED YUSUF ALI S/O SYED NOORUDDIN
SINCE DECEASED BY LRS

1. BILMIBEE W/O LATE SYED YUSUF ALI,
AGED ABOUT 65 YEARS, OCCUPATION HOUSEHOLD
2. SYED SHUJAUDDIN S/O LATE SYED YUSUF ALI,
AGED ABOUT 55 YEARS, OCCUPATION ENGINEER
3. SYED TAIQUDDIN S/O LATE SYED YUSUF ALI
AGED ABOUT 50 YEARS, OCCUPATION NOT KNOWN





4. SYED IKHTIYARUDDIN S/O LATE SYED YUSUF ALI
AGED ABOUT 48 YEARS, OCCUPATION BUSINESS
5. SYED NEEJAMUDDIN S/O LATE SYED YUSUF ALI
AGED ABOUT 45 YEARS, OCCUPATION HOUSEHOLD

(ALL RESIDENTS OF H.NO. 7-1202,
BANK COLONY,
NEAR KBN ENGINEERING COLLEGE,
KALABURAGI-585102).

...RESPONDENTS

(BY SRI SYED FAYAZUDDIN ZAKIR HUSSAIN, ADVOCATE)

THIS HRRP IS FILED U/S.46(1) OF KARNATAKA RENT ACT 1999, PRAYING TO ALLOW THE REVISION PETITION AND SET ASIDE THE ORDER DATED 12.02.2024 PASSED IN RENT REVISION PETITION NO.2/2023 BY THE 1ST ADDL. DISTRICT & SESSIONS JUDGE, KALABURAGI, AND CONFIRM THE ORDER DATED 25.01.2023 PASSED IN HRC NO.6/2014 BY THE IIIRD ADDL. CIVIL JUDGE, KALABURAGIM WITH COSTS THROUGHOUT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL ORDER

In spite of sufficient opportunities, the counsel for the respondents has failed to file Vakalat for respondent No.2 and he seeks time. There is no reason to grant any



further adjournment and hence, Vakalat for respondent No.2 is taken as not filed and the respondent No.2 is considered as absent in the proceedings.

2. Heard the learned counsel for both the parties on the petition. Perused the relevant materials on record.

3. This petition is filed under Section 46(1) of the Karnataka Rent Act ['KR Act' for short] challenging the order dated 12.02.2024 in RRP No.2/2023 of the learned I Addl. District and Sessions Judge, Kalaburagi (for short 'the First Revision Court'), wherein legal representatives of the respondent filed the revision petition under Section 46(2) of KR Act. The petitioner herein is the petitioner before the III Addl. Civil Judge, Kalaburagi (for short 'Trial Court') in HRC No.6/2014 and he filed the petition under Section 27(2) (j) & (r) of the KR Act and the said petition was allowed as per the order dated 25.01.2023 and the LRs of the respondent



are directed to vacate the suit property and handover vacant possession of the same to the petitioner within two months.

4. Being aggrieved by the said order, the LR's of the respondent have filed the revision petition before First Revision Court and the First Revision Court as per the order dated 12.02.2024 allowed the petition. Hence, order of the Trial Court in HRC No.6/2014 is set aside and the parties are directed to approach the competent Civil Court for obtaining the declaration.

5. Being aggrieved by the said order, the petitioner is in the present revision petition before this Court.

6. The only contention of the petitioner is that there is dispute regarding the title between the petitioner and the respondent. It is undisputed fact that the petitioner and the deceased respondent are brothers. As per the case of petitioner, the suit property



was purchased by him under registered sale deed and hence, he claims to be the absolute owner of the suit premises.

7. On the other hand, the contention of the respondent is that the suit property was purchased out of the joint income of the petitioner and the respondent. But as held by the Trial Court in the impugned order, there is absolutely no evidence forthcoming from the respondent to show that he contributed any income for purchasing the suit property. Further, as contended by the learned counsel for the petitioner, the said fact is not disputed by the learned counsel for the respondent.

8. The suit filed by the LRs of respondent in OS No.57/2017 was dismissed and now the appeal is pending for consideration. Therefore, the parties have already approached the Civil Court for determining their right in respect of suit property and the respondents have failed in their attempt to prove their ownership of



the suit property. Any of the contentions of the respondent does not merit for consideration. Therefore, the petitioner has made out ground to set aside the impugned order of the First Revision Court. Consequently, the petition deserves to be allowed.

9. In the result, I pass the following:

ORDER

- i) The petition is hereby allowed.
- ii) Consequently, the order dated 12.02.2024 of the I Addl. District and Sessions Judge in RRP No.2/2023 is set aside and the order dated of the Trial Court in HRC No.6/2014 of the III Addl. Civil Judge and JMFC, Kalaburagi, stands confirmed.
- iii) However, this order will be subject to the result of the appeal, if any, filed against the



judgment and decree of the suit in OS
No.57/2017.

- iv) There shall be no order as to costs.
- v) The respondent is directed to pay the arrears
of rent of Rs.14,000/- per month from
January 2014 till disposal of the petition
before the Trial Court within 2 months from
the date of this order.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SBS
List No.: 1 Sl No.: 10