

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****DATED THIS THE 5TH DAY OF SEPTEMBER, 2023****BEFORE****THE HON'BLE MR JUSTICE K.NATARAJAN****REGULAR FIRST APPEAL NO. 1673 OF 2023****BETWEEN:**

SRI. N. KUSHALRAJ,
AGED ABOUT 70 YEARS,
S/O. LATE G. NEMICHAND,
DOING BUSINESS AT SHOP
NO.7, (FACING C.C. ROAD),
NO.168, M.M. ROAD,
COX TOWN,
BENGALURU - 560 005.

...APPELLANT

(BY SRI. B.R. RAMACHANDRA REDDY, ADVOCATE)

AND:

SRI. S.M. RAMACHANDRA MURTHY,
S/O. LATE MARIYANNA @ MARIYAPPA,
AGED ABOUT 67 YEARS,
RESIDING AT NO.723, 7TH MAIN,
MAHALAKSHMI LAYOUT,
BENGALURU - 560 086.

...RESPONDENT

THIS RFA IS FILED UNDER SECTION 96 OF THE CPC,
AGAINST THE JUDGMENT AND DECREE DATED 20.04.2023
PASSED IN SC.NO. 612/2021 ON THE FILE OF THE II
ADDITIONAL JUDGE AND ACMM COURT OF SMALL CAUSES,
BENGALURU, DECREETING THE SUIT FOR EJECTMENT AND
ARREARS OF RENT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, THE
COURT DELIVERED THE FOLLOWING:



JUDGMENT

Learned counsel for the appellant absent, even in the last day of the hearing and also today.

2. Office is raised objections regarding maintainability of the appeal under Section 96 of CPC, since the order is passed by II Addl. Judge and ACMM, Court of Small Causes, Bengaluru in S.C.No.612/2021.

3. Accordingly, the appeal is dismissed with liberty to the appellant to file fresh appeal before the District Court.

4. Office is directed to return the documents to the appellant.

**Sd/-
JUDGE**

VK
List No.: 1 Sl No.: 19
CT: THK