

Seena Deepak vs Sameer Ahmed

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Court : Karnataka

Decided On : Feb-01-2025

Judge : H.T. Narendra Prasad

Appeal No. : WP/2718/2025

Appellant : Seena Deepak

Respondent : Sameer Ahmed

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE H.T. NARENDRA PRASAD WRIT PETITION NO. 2718 OF 2025 (GM-CPC) BETWEEN: SEENA DEEPAK, W/O DEEPAK KAMBIL, AGED ABOUT 51 YEARS, R/AT FLAT NO.3033, CASA PARADISO, SHOBA CITY, OPPOSITE SAMPEGEHALLI POLICE STATION, BENGALURU-560 077. PETITIONER (BY SRI AKANKSH ASHOK, ADVOCATE) AND:

1. SAMEER AHMED, S/O ABDUL WAHEED, R/AT FLAT NO.A2 102,

Digitally signed by

SHRIRAM WHITE HOUSE APARTMENTS, HEM

COURT OF KARNATAKA 2. SUNIL MORE SHIVAJAI RAO, DIRECTOR OF JABM ONESOURCE PVT. LTD., BENGALURU-560 100.

3. SHIVAKUMAR, MANAGER OF JABM ONESOURCE PVT. LTD., -2- BENGALURU -560 100. RESPONDENTS THIS W.P. IS FILED UNDER ARTICLE 227 OF THE

CONSTITUTION OF INDIA, 1950 PRAYING TO DIRECT THE HON'BLE LXVI ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH 67) TO DISPOSE OF THE I.A.NO.13 AT ANNEXURE-E FILED BY THE R-1 HEREIN BEFORE THE HON'BLE TRIAL COURT UNDER

ORDER XIII RULE 9 OF THE CODE OF CIVIL PROCEDURE, 1908

SEEKING FOR RETURN OF ORIGINAL DOCUMENTS i.e., THE INADEQUATELY STAMPED AND UNREGISTERED LEASE AGREEMENT IN O.S.NO. 2651/2022 WITHIN TWO (2) WEEKS IN ACCORDANCE WITH LAW AND IN THE INTEREST OF JUSTICE AND EQUITY. THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

In this writ petition, petitioner has sought for a direction to the LXVI Additional City Civil and Sessions Judge, Bangalore, to dispose of I.A.13.

2. In view of the prayer sought for, issuance of notice to the respondents is not necessary.

3. Heard the learned counsel for the petitioner. -3-

4. Respondent No.1, who is the plaintiff has filed a

suit in O.S.No.2651/2022 for bare injunction. On 11.10.2023, he filed I.A.13 under Order XIII Rule 9 read with Section 151 of CPC seeking return of original

documents. Petitioner - defendant No.1 filed his objection to the said application contending that the document which is sought to be returned, is not sufficiently stamped and is unregistered.

5. It is submitted by the learned counsel for

petitioner that even after the defendant No.1 filed his objection on 05.12.2023, till today no order has been passed on I.A.13. Hence, he seeks for a direction to the trial Court to dispose of the application at the earliest.

6. It is seen that I.A.13 has been filed on

11.10.2023 and objections are filed on 05.12.2023. Though the matter is posted for orders on I.A.13, till today no order has been passed. There is no impediment for the trial Court to pass orders on the same. Accordingly, without expressing any opinion on the merits of the case, -4- the LXVI Additional City Civil and Sessions Judge, Bangalore, is directed to pass orders on I.A.13 filed by plaintiff under Order XIII Rule 9 read with Section 151 of CPC as expeditiously as possible, but not later than two months from the date of receipt of certified copy of this

order.

7. Accordingly, the writ petition is disposed of. Sd/- (H.T. NARENDRA PRASAD)
JUDGE VP

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