

(2012) 04 KAR CK 0179

In the Karnataka High Court

Case No : Regular First Appeal No. 2172 of 2011

Smt. Amla Mary

APPELLANT

Vs

Bangalore Mahanagar Palike and Others

RESPONDENT

Date of Decision : 16-04-2012

Acts Referred:

Citation : (2012) 04 KAR CK 0179

Hon'ble Judges : Anand Byrareddy, J

Bench : Single Bench

Advocate : M.D. Raghunath, for the Appellant;

Judgement

Anand Byrareddy

1. The appeal coming on admission is heard and is finally disposed having regard to the facts and circumstances of the case, The appellant was the plaintiff before the trial Court and is said to be the sister of the 2nd defendant. The dispute arises in respect of a residential premises which was initially allotted in favour of the father of the plaintiff by the Bangalore Mahanagara Palike, After his death, it transpires that the said residential quarter was assigned in favour of the 2nd defendant. Though the plaintiff had also made an attempt to have the property assigned in her favour, after the death of her father, the property had been assigned in favour of the 2nd defendant, which was endorsed by the Bangalore Mahanagara Palike. But since the appellant was estranged from her husband and was homeless, she was however residing in the premises with defendant No. 2. The suit was filed in the above background that she was entitled to be treated as the allottee of the premises. The Court below having dismissed the suit after contest, the appellant is before this Court.

2. To this the learned Counsel for the respondent would fairly concede that the appellant/plaintiff is indeed estranged from her husband and is without a home and the 2nd defendant who has been providing her shelter through out and till such time she is able to fend for herself, he would have no objection if she

continues to reside in a portion of the premises. Notwithstanding the same, appellant/plaintiff asserts an independent right. Though the matter was referred to mediation, in order to bring about a resolution, the plaintiff remains firm that she is entitled to the occupation of the entire premises. In view of the undertaking and admission by the 2nd defendant that the plaintiff has been permitted to reside along with him in the same premises, the said admission is placed on record and the plaintiff shall not be disturbed from such permissive possession by the 2nd defendant and his family, till such time that she is able to fend for herself and finds independent accommodation.

With that observation and undertaking by the 2nd defendant, the appeal stands disposed of.