

DJA.I-81/2020

HIGH COURT OF KARNATAKA,
BENGALURU,

Dated: 14.11.2021

GENERAL CIRCULAR No. 06/2021

SUB: Directions to the District Judiciary as per the Judgment passed by the Hon'ble High Court of Karnataka in C.R.P.No.159/2021 dated 25.08.2021 in the matter of accepting compromise petitions and also passing of ex parte order of eviction - reg.

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The Hon'ble High Court of Karnataka vide order dated 25.08.2021 passed in C.R.P.No.159/2021 (SC) has issued the guidelines to the Trial Courts as an illustrative guide in the matter of accepting compromise petitions and also passing of ex parte order of eviction, by noticing that, in too many cases, the litigants are abusing the process of the court in dispossessing persons who are in lawful possession by obtaining collusive compromise decrees against persons who have no semblance of a right over the property in question and it has become rather easy for unscrupulous litigants to take advantage of the laxity and lack of sufficient safeguards in the process of the Courts (copy enclosed).

The directions are as follows:

- a. *The Trial Courts shall ensure that proper and acceptable proof of identity of the parties to proceedings as mandated by the Government for various purposes (such as Aadhar Card, Driving Licence, Passport Copy, Election Identify card etc.,) are obtained as a matter of rule.*
- b. *The Trial Court shall ensure, especially in eviction matters in which compromise petitions are filed, to satisfy itself about the actual possession of the persons in possession.*
- c. *The Trial Court shall call upon the parties to produce documents such as an Electricity Bill, Telephone Bill, Pass Book extracts, or such other documents which establish the actual residence of the tenants.*
- d. *It would be open for the Trial Court to pass such orders as it may deem necessary such as the appointment of a Commissioner, etc., to satisfy itself about the possession of the parties before accepting the compromise petition.*

Hence, all the Judicial Officers in the State are hereby directed to follow the guidelines issued by the Hon'ble Court and *be cautious in the matter of accepting compromise petitions and also passing of ex parte orders of eviction.*

BY ORDER OF THE HON'BLE CHIEF JUSTICE,

Sd/-
(T. G. SHIVASHANKARE GOWDA)
REGISTRAR GENERAL

Copy forwarded for information and necessary action to:-

1. The P.S. to Hon'ble Chief Justice.
2. All Private Secretaries to Hon'ble Judges.
3. The Registrar General, Registrar (Vigilance), Registrar (Recruitment), Registrar (Judicial), Registrar (Infrastructure & Maintenance), Registrar (Administration), Registrar (Computers), Registrar (Review & Statistics), Bengaluru.
4. The Addl. Registrar General Dharwad Bench.
5. The Addl. Registrar General Kalaburagi Bench.
6. The Central Project Co-ordinator, with a request to web-host the Circular in the High Court Website.
7. The Prl. City Civil & Sessions Judge, Bengaluru City,
8. All the Prl. Dist. & Sessions Judges in the State.
9. The Chief Judge, Court of Small Causes, Bengaluru.
10. All the Prl. Judges, Family Courts in the State.
11. All the Presiding Officers, Industrial Tribunals, Labour Courts in the State. in the State.
12. The Member Secretary, KSLSA, Bengaluru.
13. The Director, Karnataka Judicial Academy, Bengaluru.
14. The Director, Mediation Center, Bengaluru.
15. The Director, Arbitration Center, Bengaluru.
16. Circular Copy.
17. Office Copy.

With a request to circulate the copy of the Circular amongst all the Judicial Officers working in your unit.