

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No.12470 of 2026
(@Special Leave Petition (C) No.32974 of 2025)**

Pramod Kumar Rao @ Munna Singh

...Appellant

Versus

**Legal Head Sahara India
Commercial Corporation Ltd.
Office Sahara India & Ors.**

...Respondents

O R D E R

1. Leave granted.
2. A civil suit was filed on 17.02.2020 by the appellant herein, in which the respondent was the defendant. The respondent despite appearance before court, failed to file written statement. Much later on 15.07.2024, an application was filed under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC) read with Section 8 of the Arbitration and Conciliation Act, 1996 (the Act) projecting the arbitration clause in the agreement between the parties.

3. The Court of the Civil Judge (Senior Division) allowed the application filed by the defendant and rejected the plaint of the appellant. The first appeal before the High Court was rejected, which is impugned in the present petition.

4. It is very evident from Annexure P6, a response to a query under the Right to Information Act, 2005, that the suit was filed as early as in 2020 as Suit No.120 of 2020. Summons was issued with next date of hearing as on 17.04.2021. The application filed by the respondent pointing out the arbitration clause as produced at Annexure P2 does not even speak of the specific arbitration clause as available in the agreement between the parties. Admittedly, the defendant, despite appearance, did not file a written statement and the plea of arbitration was raised after four years.

5. We find absolutely no reason to uphold the order of the Civil Court as affirmed by the High Court, especially considering the delay in raising a plea of arbitration. In fact, the prayer in the suit is for

injunction from eviction and not declaration or even handing over of the flat, in which event the original agreement, with respect to allotment of flat on the application of purchase, has absolutely no relevance. The impugned order of the High Court and that of the Civil Court produced at Annexure P5 are set aside. The Civil Judge (Senior Division), Gorakhpur shall proceed with Suit No.120 of 2020 from the stage at which it stood rejected as per Annexure P5.

6. The appeal stands allowed.

7. We make it clear that we have not stated anything on the merits of the case, which shall be decided on the adjudication as carried out by the Civil Court based on valid evidence led.

8. Pending application(s), if any, shall stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
SEPTEMBER 03, 2026**

ITEM NO.42

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.32974/2025

[Arising out of impugned final judgment and order dated 25-08-2025 in FA No. 143/2025 passed by the High Court of Judicature at Allahabad]

PRAMOD KUMAR RAO @ MUNNA SINGH

Petitioner(s)

VERSUS

LEGAL HEAD SAHARA INDIA COMMERCIAL CORPORATION
LTD OFFICE SAHARA INDIA & ORS.

Respondent(s)

(MEDIATION REPORT HAS BEEN RECEIVED) .

Date : 03-09-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Krishnam Mishra, AOR
Mr. Param Kumar Mishra, Adv.
Mr. Chetan Wahi, Adv.
Mr. Jagjeet Kumar Bhatt, Adv.

For Respondent(s) :

Mr. Rohit Bansal, AOR
Mr. Manish Tiwari, Adv.
Mr. Kunal Thakur, Adv.
Ms. Akshita Agrawal, Adv.
Ms. Pooja, Adv.
Mr. Vishwa Dev Sarraf, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal stands allowed, in terms of the signed Order.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed Order is placed on the file)