

ITEM NO.45

COURT NO.15

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 7735/2021

[Arising out of impugned final judgment and order dated 29-03-2021 in OSA No. 4/2020 passed by the High Court of Karnataka at Bengaluru]

BHARATHIYA BALA VIDYALAYA**Petitioner(s)****VERSUS****M/S GODHA REALTORS (INDIA) PRIVATE LIMITED & ORS. Respondent(s)**

(IA No. 68705/2021- EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No. 147076/2025- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date: 27-07-2026 This matter was called on for hearing today.

CORAM:**HON'BLE MR. JUSTICE S.V.N. BHATTI****HON'BLE MR. JUSTICE N.V. ANJARIA**

For Petitioner(s): Mr. H. Chandra Sekhar, AOR
Mr. Jadhav Vishal, Adv.

For Respondent(s): Mr. Sharan Thakur, Sr. Adv.
Mr. Ketan Paul, AOR
Mr. Siddharth Thakur, Adv.
Mr. S Subramaniam, Adv.
Ms. Ujala Singh, Adv.
Ms. Guniya Tandon, Adv.
Mr. Prachet Sharma, Adv.

Mr. Anand Sukumar, AOR
Mr. S. Sukumaran, Adv.
Mr. Bhupesh kumar Pathak, Adv.
Mrs. Ruche Anand, Adv.

Mr. Hardik Bedi, Adv.
Mr. Siddhant Buxy, AOR

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

1. The special leave petition is directed

against the order dated 29.03.2021 passed in O.S.A. No. 4 of 2020 by the High Court of Karnataka, at Bengaluru.

2. The O.S.A. was filed with a delay of 1808 days, challenging the order dated 02.06.2015, passed in Company Application No. 1409 of 2014 under Company Petition No. 66 of 1997.

3. Through the impugned order, the prayer for condonation of delay has been rejected. Hence, the special leave petition.

4. The above is both the introduction and also concludes the present special leave petition for the request for condonation was rejected for valid reasons. But the crux of the matter lies in between.

5. Respondent No.1 is the successful purchaser of the properties of M/s. Gangavathi Sugar Mills Limited (Company under Liquidation) in C.P. No. 66 of 1997. In the first instance, before obtaining a regular transfer deed in its favour, the first respondent filed an application to secure vacant possession of all the properties, including the property stated to be in the petitioner's possession before us. By order dated 02.06.2015, the application in C.A. No. 1409 of 2014 in C.P. No. 66 of 1997 was disposed of, and the operative

portion reads thus:

"3. However, since the very conveyance of title in favour of the applicant is pending consideration before the Division Bench which is dealing with the appeal preferred against the order passed by this Court confirming the sale in favour of the applicant, the applicant would necessarily have to await the decision in that appeal. Therefore, if the school is indeed being run by the third respondent, it would not be fair to direct ejectment of the third respondent forthwith. The same could be postponed till such time the applicant obtains a confirmed order of sale in respect of the land and deed of conveyance in favour of the applicant. The third respondent is permitted to carry on its activity till such time title is conferred on the applicant in due course. In the event of such order being passed during the currency of an academic year, it is also directed that the third respondent may be permitted to carry on its activity till the end of that academic year and thereafter, the third respondent shall quit and deliver vacant possession.

Ordered accordingly."

6. The first respondent, *vide* sale deed dated 05.05.2018, has become the owner after complying

with all the obligations in the purchase of the property of the first respondent. Thereafter, the first respondent has filed Company Application No. 293 of 2018 and in specific terms, now, the first respondent, who has stepped into the shoes of M/s. Gangavathi Sugar Mills Limited prays before the Company Court the following prayer:

“WHEREFORE, the applicant respectfully prays that this Hon’ble Court may be pleased to direct the respondent No.2 to quit and deliver vacant possession of the land measuring about 5 acres occupied by it which is part and parcel of land measuring 283 acres of land in various survey numbers of Marali Village, Gangavathi Taluk, in favour of the applicant forthwith in terms of the earlier direction in CA No. 1409/2014 dated 02.06.2015, in the interest of justice and equity.”

7. The prayer has a chequered history. For at the first instance, without notice to the petitioner before us, *vide* order dated 18.01.2019, it was allowed. On a review petition bearing Review Petition No. 111 of 2019 filed by the petitioner, the same was restored. Consequently, the prayer made in C.A. No.293 of 2018 is still pending before the Company Court.

8. Mr. H. Chandra Sekhar, learned counsel for the petitioner, argues that the first respondent has now availed the remedy before the Company Court. In the interregnum, the first respondent is taking advantage of the observation in the order impugned in the special leave petition and with the police force, trying to evict the petitioner.

9. Responding to the limited submission, it is stated by Mr. Sharan Thakur, learned senior counsel, that the special leave petition is bereft of needed details on this aspect of the matter. However, once the first respondent has availed the remedy before the Company Court, the first respondent requests that the said application be considered and disposed of expeditiously, and that possession will be taken depending upon the outcome of the said application.

10. The submissions are taken note of. *Prima facie*, we are of the view that the prayer in the special leave petition need not be considered. Secondly, the substantive prayer of the first respondent is pending before the Company Court. We request the learned Company Judge to hear and dispose of the Company Application No. 293 of 2018 expeditiously.

11. It is made clear, in the meantime, that the

parties are directed not to take recourse to the assistance of police force for eviction or securing possession except as would be directed by the learned Company Judge.

12. The present special leave petition stands disposed of in the above terms.

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

(SNEHA DAS)
COURT MASTER (SH)

(NIDHI MATHUR)
COURT MASTER (NSH)