

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

**CIVIL APPEAL NO. 451 OF 2026
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 11483 OF 2024)**

M/S GOLDEN GATE PROJECTS & ANR. APPELLANT(S)
A1 M/S GOLDEN GATE PROJECTS REPRESENTED BY ITS PARTNER
C.D. SANJAY RAJ

A2 SRI C.D. SANJAY RAJ

VERSUS

SRI YOGESH & ORS. RESPONDENT(S)
R1 SRI YOGESH, S/O S.JAYARAM
R2 JAYARAM, S/O LATE SURAPPA MUDALIAR - DELETED
R3 SRI MAHESH, S/O S.JAYARAM
R4 SRI DHARANI, S/O S.JAYARAM
R5 SRI NAGARAJ, S/O S.JAYARAM
R6 COMMISSIONER OF POLICE, BENGALURU

O R D E R

Heard Mr. Ajit Kumar Sinha, learned Senior Counsel for the appellants, Mr. Gagan Gupta, learned Senior Counsel for the contesting respondents no. 1 and 3 to 5 and Mr. Sanchit Garga, learned counsel for the respondent no.6.

2. Leave granted.

3. The present appeal is directed against the order dated 23.01.2024 passed by the High Court of Karnataka at Bengaluru in Writ Petition No. 26128 of 2023 (GM-CPC), by which, there is a direction to the Trial Court to reconsider the matter with regard to police protection being given to the

appellants and redelivery of possession, which was pursuant to an order of injunction passed by the Trial Court. In the proceedings arising out of the order granting initially ad-interim injunction and later on the injunction being confirmed for the entire period of the pendency of the Suit, challenge to which before the High Court did not succeed, the issue stood concluded, having attained finality, as no appeal against the same has been preferred.

4. Learned Senior Counsel for the appellants submitted that the order of injunction having been made absolute, and there being no challenge, the said fact is important to be kept in mind in these proceedings for the reason that ultimately it is upholding of the order passed by the Court and the manner in which it has been violated and the impugned order giving impetus would encourage such violators. It was further submitted that once a Coordinate Bench to the Bench which passed the impugned order of the High Court had already passed an order, that order by the Coordinate Bench which passed the impugned order could not have watered down or a direction issued that any observation or finding recorded in the same would not be considered for any fresh proceeding. It was contended that such power is only to that very Court, either in review or to a higher forum in appeal, which has not been done. Moreover, it was submitted that though at the final stages, the High Court records consent by the learned

counsel for the appellants, but by reading of the entire order and the fact that the appellants had succeeded in the challenge to the order of injunction, the same was absolutely uncalled for and, in fact, was not even given. Though he fairly admits that the learned counsel for the appellants had not filed an affidavit, but this is one of the main grounds canvassed by him, both in the pleading and before this Court during the arguments. For the purposes of a Coordinate Bench not having the power to comment upon or modify or interfere in another Coordinate Bench order, learned Senior Counsel has referred to the judgments of this Court in ***Official Liquidator vs. Dayanand and Others***¹, ***Mary Pushpam vs. Telvi Curusumary and Others***² and ***Sanjay Kumar Upadhyay vs. State of Jharkhand and Others***³.

5. It was further contended by learned Senior Counsel for the appellants that the Court would consider the fact that once an order has been passed and violated, which is proved by the fact that the Interlocutory Application had to be filed by the concerned respondents for vacating of the interim order, which itself shows that they were affected by the said interim order, otherwise there was no occasion for them to file an application for such vacation, if they were already in possession and not the appellants. Learned Senior

1 (2008) 10 SCC 1

2 (2024) 3 SCC 224

3 2025 SCC OnLine SC 2820

Counsel further contended that the Court directing for restoration of possession and directing for police protection was a natural corollary to ensure that the order of the Court is upheld and complied with in its totality, both in letter and spirit. This not having been done, the order impugned waters down all the orders passed by the Trial Court and the Coordinate Bench and, in fact, is iniquitous. Even otherwise, on merits it was contended that the father of the respondents and his brother, along with two other sons of the original vendors of the appellants were signatories to the Sale Deed, either in the capacity of an executant or attesting consenting witnesses. Learned Senior Counsel contended that the fact that the Sale Deed is of the year 2002 and the Suit came to be filed in the year 2007 and partition in 2018, the entire sequence and time frame would indicate that it was an afterthought and only filed with *malafide* intention. It was contended that the concerned respondents may have a case against the remaining properties which were left out belonging to the other parties/coparceners, but as far as the property which was sold to the appellants is concerned, it has to be taken out of consideration in any subsequent partition deed.

6. *Per contra*, learned Senior Counsel for the respondents no. 1 and 3 to 5 submits that the first and foremost development which he would press before this Court is that as

of now the said property has been transferred by the appellants to a third party. It was further contended that the possession aspect is in dispute as the suit filed by the appellants and the relief for an interim injunction was a surreptitious way of bringing on record material to indicate that the appellants were in possession, though they were not and, in fact, *status quo* has been maintained and therefore, there is no question of any restoration or redelivery of possession. Learned Senior Counsel contended that though learned Senior Counsel for the appellants had vehemently argued that the consent recorded is totally erroneous, but the Court would rely upon what has been recorded in the impugned order and not go by the mere averments made in the pleadings without any supporting evidence thereof. It was further contended that the Court ultimately had remanded the matter to be considered on merits where all the parties would have full opportunity to argue, both on law as well as on facts. For the proposition that if a party disputes what has been recorded in an order, appropriate steps, including filing of an affidavit by the Advocate concerned before that very Court, to point out such an erroneous recording, and if the same is not done, the presumption would be that whatever has been recorded is correct. He relies upon the judgment passed by this Court in ***Roop Kumar vs. Mohan Thedani***⁴, ***Mohd.***

***Akram Ansari vs. Chief Election Officer and Others.*⁵, *Shyam Narayan Prasad vs. Krishna Prasad and Others*⁶ and *Rohit Chauhan vs. Surinder Singh and Ors.*⁷**

7. While summing up his arguments, learned Senior Counsel for the respondents submitted that the root of the matter relates to the competency of the vendor of the appellants, in transferring/executing the Sale Deeds, which according to him, was beyond his capacity as he could not have passed on title in the property in which he did not have full share as the property was jointly owned by everybody, including the concerned respondents.

8. By way of rejoinder, learned Senior Counsel for the appellants submitted that till date there is no prayer made in any proceeding/suit filed by the concerned respondents with regard to cancellation of the Sale Deed or for declaration of title, which cannot be a substitute for inference by the Court on the basis of an innocuous prayer made in the Suit of 2007 filed by the said respondents that the Sale Deed in favour of the appellants would not be binding on the concerned respondents.

9. Taking into account the entirety of the matter, in our considered opinion, the order impugned needs interference.

10. The fact that an injunction order came to be passed

5 (2008) 2 SCC 95

6 (2018) 7 SCC 646

7 (2013) 9 SCC 419

originally in an ad-interim fashion and then later on confirmed and the same having attained finality, it is the duty of every Court/authority/person to ensure that the said order is fully complied with. In the present case, that issue has attained finality and no challenge to the same is pending before any Court/appropriate forum. Furthermore, the fact that there was an order for restoration/redelivery of possession, and for the same, if the police was directed, we do not find any infirmity as that is the means available to the Court when parties do not comply the order by themselves. As far as the issue with regard to the controversy as to who was in possession, the fact that the concerned respondents had filed an application before the Trial Court for vacating the injunction order, itself indicates that they were bothered/affected by the said order, otherwise they had no occasion to file such an application as it was a simple order to maintain *status quo*. We are further disturbed to note that the High Court in a proceeding has sought of sit over the order of a Coordinate Bench by directing that no observation or finding made by that Coordinate Bench in the other case would be looked into by the Trial Court. This is beyond jurisdiction and totally misplaced. We are also conscious of the fact that the issue raised by the learned Senior Counsel for the concerned respondents with regard to the non-filing of an affidavit by the learned Advocate concerned as to what

transpired and whether compensation was given, would not be an issue for consideration in the present proceeding for the simple reason that an order of the Court has to be complied with and cannot be watered down by the parties even with consent. It is a different matter that the parties may after compliance come into an arrangement among themselves and act on the same, but the law requires and this Court would also require to ensure that any order passed has to be fully complied with in letter and spirit irrespective of the desire and will of the parties concerned, unless a joint petition is filed before the said Court concerned praying for recall or modification of the said order, which in the present case has not been done.

11. For the reasons aforesaid, the appeal stands allowed. The impugned order stands set aside. The order directing restoration/redelivery of possession to the appellants by the concerned respondents be complied with forthwith and latest within three weeks' from today. An affidavit showing compliance shall be filed by the parties concerned within four weeks from today.

12. After the order was dictated, an apprehension has been raised by learned Senior Counsel for the respondents with regard to the present order affecting the merits of the main Suit. We make it clear that any observation made in this order shall not prejudice the Trial Court. It goes without

saying that all observations/findings in the order impugned, which we have already set aside, will have no effect on the case of any of the parties concerned.

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

.....J.
(AHSANUDDIN AMANULLAH)

.....J.
(R. MAHADEVAN)

NEW DELHI
22nd JANUARY, 2026

ITEM NO.1

COURT NO.13

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. 11483/2024

[Arising out of impugned final judgment and order dated 23-01-2024 in WP No. 26128/2023 passed by the High Court of Karnataka at Bengaluru]

M/S GOLDEN GATE PROJECTS & ANR.

PETITIONER(S)

VERSUS

SRI YOGESH & ORS.

RESPONDENT(S)

Date : 22-01-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s): Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Srijan Sinha, AOR
Mr. Himanshu Chaubey, Adv.
Mr. Siddharth Garg, Adv.
Ms. Lihzu Shiney Konyak, Adv.
Mr. Naaveen Soni, Adv.
Mr. Deborah L.S. Serto, Adv.
Mr. Srajan Yadav, Adv.

For Respondent(s):

R.Nos. 1, 3 to 5 Mr. Gagan Gupta, Sr. Adv.
Mr. Saket Gogia, Adv.
Mr. Muniyappa C R Gowda, Adv.
Ms. Rachana Raj, Adv.
Ms. Gauri Pande, Adv.
Ms. Sheetal Maggon, Adv.
Mr. Mansingh, Adv.
Mr. Deepesh Meena, Adv.
Mr. Adithya K S, Adv.
Mr. Dhawesh Pahuja, AOR

R.No.6

Mr. Sanchit Garga, AOR
Mr. Kunal Rana, Adv.

O R D E R

Leave granted.

2. The appeal stands allowed in terms of the signed order, which is placed on the file.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR