

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 446/2026

IN
CIVIL APPEAL NO. 451 OF 2026

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)/
APPLICANT(S)

R1 SRI YOGESH, S/O S.JAYARAM
R2 SRI MAHESH, S/O S.JAYARAM
R3 SRI DHARANI, S/O S.JAYARAM
R4 SRI NAGARAJ, S/O S.JAYARAM

O R D E R

Heard Mr. Ajit Kumar Sinha, learned Senior Counsel for the appellant, Mr. Ardhendumauli Kumar Prasad, learned Senior Counsel for the respondents/applicants and Mr. Sanchit Garga, learned counsel for the Commissioner of Police, Bengaluru City. Mr. Saidulu Adavath, Deputy Commissioner of Police, Whitefield, Bengaluru City is also present in-person.

2. The present case has taken an unfortunate twist. Initially, by an order dated 22.01.2026 in Civil Appeal No.451 of 2026, the Court had directed restoration/redelivery of possession to the appellants by the concerned respondents forthwith and latest in three weeks from that date and affidavit showing compliance was required to be filed within four weeks from that date. Thereafter, M.A. No. 446 of 2026 was filed by the respondents seeking extension of time granted to them to vacate the premises in question. In good faith, this Court on 25.02.2026 granted extension of time till 30.04.2026 for the said purpose *ex-parte*. The order was under the *bonafide* impression that the respondents were still in possession and the order of this Court has not been executed by force.

3. However, the matter was mentioned by Mr. Ajit Kumar Sinha, learned Senior Counsel for the appellant on 26.02.2026 pointing out that the order had been obtained on misrepresentation, inasmuch as, the premises in question had already been got vacated and handed over to the appellants on 14.02.2026. The matter was thus, posted for 27.02.2026 and on that day, when the fact of eviction was hotly contested, the matter was referred to the Commissioner of Police (CP), Bengaluru, to make a personal on the spot inquiry and submit a report. Pursuant to the same, a report

has been submitted by the CP, Bengaluru. The relevant portion of the report at paragraph no. 23 is reproduced as under:

"23. That is is humbly submitted that conclusive finding based on personal inquiry, spot visit and on inspection of CCTV footages and video records made on 14.02.2026, it is seen that the Possession of said premise including Respondent No.1 vacant house was taken over by Appellant with the assistance of the jurisdictional Bellandur Police on 14.02.2026. Thereafter Appellant demolished sheds and houses in the premise. Appellant constructed compound wall, deployed security guards and installed CCTV Cameras in the premise. The Respondent No.1 with the permission of one Vidyaranya of the Appellant Company had entered inside the premise between 17.02.2026 & 22.02.2026 and had salvaged the doors, window panels, iron rods from the vacant building and had carried away the same in a goods lorry. Thereafter, the Respondent No.1 has entered the premise again on 27.02.2026 night in a car with certain goods and has also put up curtains over the place of doors & windows, which in fact had already been removed by the Respondent No.1 himself."

4. Photographs have also been attached from the CCTV footage of the relevant dates. The same disclose that the contention of learned Senior Counsel for the appellant was

correct that the order dated 22.01.2026 in Civil Appeal No. 451 of 2026 had stood complied with on 14.02.2026 itself, and thus, there was no occasion for the respondents to move the present application seeking extension of time.

5. Learned Senior Counsel for the respondents/applicants submits that the CCTV footage itself discloses that the goods from the premises were still being moved, meaning thereby, that eviction had not taken place.

6. At this juncture, learned Senior Counsel for the appellant and learned counsel for the CP, Bengaluru interjected and took the stand that though the premises had already stood vacated, but since the appellants did not have any requirement of the personal belongings and other attached fixtures of the respondents on the premises, they had permitted the respondents to take it away, if they were desirous of using it for any other purpose. It was contended that under such circumstances, permission was granted to them by the appellants. However, it was further contended that since the doors and gates were removed, the respondents surreptitiously entered the premises without due permission and tried to project as if they were still in possession on the night of 27.02.2026.

7. Learned Senior Counsel for the respondents submitted that facts are being twisted. However, he submitted that in

order to file an undertaking before this Court as per the order dated 22.01.2026 in Civil Appeal No. 451 of 2026, the respondents were still in the process of shifting and removing their articles on the day the M.A. was filed.

8. Having considered the matter, we would refer to the pleadings in M.A. No. 446 of 2026. The following relevant paragraphs are reproduced hereunder for ready reference:

"6. That, it is also humbly submitted that the Applicants/Respondent are not well-educated and due to this they have not been able to exercise their rights in a proper manner. In such facts and circumstances, without prejudice to the contentions and submissions made in the present application, the Applicants/Respondents are undertaking the process of challenging the order dated 04.01.2024 passed by the Hon'ble High Court of Karnataka at Bengaluru in Miscellaneous First Appeal No. 8053 of 2023, to make an attempt to protect their rights. Thus, in case the Applicants are dispossessed of the property before final adjudication of the petition, the rights and contentions of the Applicants will be gravely prejudiced.

7. That, however, it is humbly submitted that the Applicants still undertake to comply with directions issued by this Hon'ble Court vide final order and judgment dated 22.01.2026.

8. That the Applicants submit that no prejudice will be caused to the Respondents if the time for compliance and for filing the compliance affidavit is extended by a short period, whereas denial of such extension may result in technical non-compliance despite *bona fide* efforts to implement the directions. The Applicants reiterate that they remain bound by and committed to the order dated 22.01.2026, and only seek sufficient time to complete all consequential steps properly.

9. The Applicants, therefore, humbly pray that this Hon'ble Court may be pleased to extend;

a. The time for compliance with the direction for restoration/redelivery of possession contained in paragraph 11 of the order dated 22.01.2026 in Civil Appeal No. 451 of 2026 by a further period of 6 weeks from the expiry of the original three-week period; and

b. The time for filing the affidavit(s) showing compliance as directed in paragraph 11 of the order dated 22.01.2026 by a further period of 6 weeks from the expiry of the original four-week period;

c. And to pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

9. From the aforesaid pleadings it is clear that the import coming out from the pleadings is that the respondents were in complete and total possession, which had not been disturbed. This is contrary to the specific finding given in the report of the CP, Bengaluru, and also clear from the CCTV footage, photographs from which have been brought on record. If at all the respondents had not vacated the premises, there was no occasion for them to start moving their articles as they would have waited for an order on their M.A. before undertaking such exercise. However, an exercise, which shows that a full truckload of articles were being removed, indicates that already the process had been taken forward to a large extent. Thus, there could not have been a plea not to vacate, for which extension of time had been sought. Even after considering the ground realities and the material on record, we are in no doubt that there has been a gross abuse of the process of this Court by the respondents, both in moving the M.A. and thereafter, trying to somehow defend it, without being truthful and admitting their mistake.

10. Accordingly, notice is issued to the respondents in the matter of Contempt. Let show cause be filed by them as to why charges be not framed against them and appropriate orders be passed for such conduct.

11. List on 21.04.2026 at the top of the Board.
12. In the meantime, we direct the CP, Bengaluru to ensure that the entire premises is made free of any encroachment, especially those by the respondents. He shall also ensure that the peaceful possession of the appellants is not disturbed in any way.
13. We notice that the MA was filed on 11.02.2026 and the eviction occurred on 14.02.2026. However, there is absolutely no explanation as to why the matter was mentioned on 24.02.2026 and got listed on 25.02.2026.
14. As learned Senior Counsel for the respondents is present, notice need not be sent and is deemed to have been served on the concerned respondents.
15. As a consequence, the order dated 25.02.2026 in IA No. 47449/2026 in M.A. No. 446 of 2026 stands recalled and IA No. 47449/2026 stands dismissed and as a consequence, M.A. No. 446 of 2026 stands disposed of with cost of Rs.1,00,000/- (Rupees One Lakh), out of which Rs.25,000/- (Rupees Twenty Five Thousand) each shall be deposited in: Advocates Welfare Fund, Supreme Court Bar Association; Advocates Welfare Fund, Supreme Court Advocates on Record Association; Welfare Fund of the Advocates Clerk, Supreme Court Bar Association and Welfare Fund of the Advocates Clerk, Supreme Court Advocates on Record Association. The

same be deposited within ten days from today and receipt be
filed before the next date of listing.

.....J
(AHSANUDDIN AMANULLAH)

.....J
(R. MAHADEVAN)

NEW DELHI
MARCH 18, 2026

ITEM NO.5

COURT NO.13

SECTION XII-B

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

MISCELLANEOUS APPLICATION NO. 446/2026 IN C.A. NO. 451/2026

[Arising out of impugned final judgment and order dated 22-01-2026 in C.A. No. 451/2026 passed by the Supreme Court of India]

M/S. GOLDEN GATE PROJECTS & ANR.

APPELLANT(S)

VERSUS

SRI YOGESH & ORS.

RESPONDENT(S)/
APPLICANT(S)

IA No. 47449/2026 - EXTENSION OF TIME

Date : 18-03-2026 This matter was called for hearing today.

CORAM :

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

For Appellant(s) : Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Srijan Sinha, Adv.
Mr. Himanshu Chaubey, Adv.
Mr. Siddharth Garg, Adv.
Ms. Lihzu Shiney Konyak, Adv.
Mr. Naveen Soni, Adv.
Mr. Deborah L.S. Serto, Adv.
Ms. Nitya Prabhakar, Adv.
Mr. Rishi Chouksey, Adv.
For M/S Edictum Law & Co.

For Respondent(s)/:
Applicant(s) Mr. Sanchit Garga, AOR
Mr. Kunal Rana, Adv.
Mr. Shashwat Jaiswal, Adv.
Mr. Bhanu Pratap Singh, Adv.
Ms. Diksha Arora, Adv.

Mr. Ardhendumauli Kumar Prasad, Sr. Adv.
Ms. Nidhi Mittal, AOR
Mr. Shinu Abraham Verghis, Adv.
Ms. Jaya Choudhary, Adv.

Mr. Siddhant Kumar, Adv.

O R D E R

A signed order has been passed by Their Lordships.

2. Operative portion of the order reads thus:

"10. Accordingly, notice is issued to the respondents in the matter of Contempt. Let show cause be filed by them as to why charges be not framed against them and appropriate orders be passed for such conduct.

11. List on 21.04.2026 at the top of the Board.

12. In the meantime, we direct the CP, Bengaluru to ensure that the entire premises is made free of any encroachment, especially those by the respondents. He shall also ensure that the peaceful possession of the appellants is not disturbed in any way.

13. We notice that the MA was filed on 11.02.2026 and the eviction occurred on 14.02.2026. However, there is absolutely no explanation as to why the matter was mentioned on 24.02.2026 and got listed on 25.02.2026.

14. As learned Senior Counsel for the respondents is present, notice need not be sent and is deemed to have been served on the concerned respondents.

15. As a consequence, the order dated 25.02.2026 in IA No. 47449/2026 in M.A. No. 446 of 2026 stands recalled and IA No. 47449/2026 stands dismissed and as a consequence, M.A. No. 446 of 2026 stands disposed of with cost of Rs.1,00,000/- (Rupees One Lakh), out of which Rs.25,000/- (Rupees Twenty Five Thousand) each shall be deposited in: Advocates Welfare Fund, Supreme Court Bar Association; Advocates Welfare Fund, Supreme Court Advocates on Record Association; Welfare Fund of the Advocates Clerk, Supreme Court Bar Association and Welfare Fund of the Advocates Clerk, Supreme

Court Advocates on Record Association. The same be deposited within ten days from today and receipt be filed before the next date of listing."

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR

(Signed order is placed on the file.)