

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 24614/2026

[Arising out of impugned final judgment and order dated 06-08-2025 in RSA No. 1365/2016 06-08-2025 in RSA No. 1366/2016 passed by the High Court of Karnataka at Bengaluru]

S. VAIDEHI Petitioner(s)

VERSUS

SHOBA Respondent(s)

IA No. 135170/2026 - CONDONATION OF DELAY IN FILING

Date : 08-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. ANJARIA
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) :

Mr. Suresh Lokre, Sr. Adv.
Mr. K. V. Muthu Kumar, AOR
Ms. Gagandeep Chauhan, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

2. Heard Mr. Suresh Lokre, learned senior counsel appearing for the petitioner.

3. The present Special Leave Petition(s) arises out of the impugned judgments and orders dated 06.08.2025 passed by the High Court of Karnataka at Bengaluru in Regular Second Appeal Nos. 1365 and 1366 of 2016 whereby the High Court has affirmed the decree of specific performance

passed by the Court of Senior Civil Judge in Original Suit No. 27/1996 by judgment and order dated 22.06.2011. Regular Appeal No.40 of 2011 against the said judgment and decree, came to be dismissed on 02.06.2016 by the First Appellate Court.

3.1. It appears from the facts that an agreement to sell dated 19.10.1994 in respect of the suit property was executed between the parties for a total consideration of Rs.5 lakhs. It is the case that part possession was also handed over on the date of agreement and that the respondent-plaintiff took over the possession of the rest of the area of the land of 8 acres was taken in possession on 25.11.1994.

4. While the respondent-plaintiff instituted a suit for specific performance, the petitioner-defendant instituted Suit for permanent injunction against the present respondent. The suit for specific performance came to be decreed, whereas the other suit was dismissed.

5. In decreeing the suit, the trial court and the first appellate court have taken into account certain aspects which were proved on evidence on the basis of which the decree for specific performance came to be passed. A finding was recorded that Agreement to Sell dated

19.10.1994 was an admitted document. The second finding was that the respondent-plaintiff was always ready and willing to perform her part of contract and the two-third of the total consideration was passed in favour of the other side. A further finding was recorded regarding deliverance of possession. The Court further concluded that the time was not the essence of the contract since it was an immovable property and no other contrary term was agreed upon between the parties.

6. The findings on all the aforesaid counts are the concurrent findings of facts based upon rightful appreciation of evidence.

7. This Court is not inclined to entertain these Special Leave Petitions. The same are, accordingly, dismissed.

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

(NISHA KHULBEY)
COURT MASTER(SH)

(MANOJ KUMAR)
COURT MASTER(NSH)