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SUPREME COURT OF INDIA

Present : Justice Sanjay Karol and Justice Augustine George Masih.

RAVI KALA and another - Appellants

Versus

M/s CASABLANCA ESTATE and others - Respondents

Civil Appeal Nos. 4496 of 2026 (Arising out of SLP (C) Nos. 19212-19213 of 2024)

(i) Civil Procedure Code, 1908 (V of 1908), Section 152 — Erroneous observations in judgment — Limited relief sought without challenge to operative order — Clarification by Supreme Court — Where the High Court while disposing of a Civil Revision Petition recorded observations regarding the stand of a party and the effect of a previous order which were diametrically opposed to the pleaded position of that party and the actual content of the previous order, the appellant is entitled to relief by way of clarification even without challenging the operative order.

On facts, observations of the High Court in the first impugned order regarding (a) the previous High Court order dated 20.02.2015 in W.P. No. 14279 of 2006 having "recognised the ownership" of the predecessor in title of Respondent No.1 over the suit schedule property, and (b) the claim of Respondent No.1 to the suit schedule property, were *prima facie* erroneous as they assumed that two distinct properties (Sy. No. 104 on the one hand and Sy. Nos. 102 and 103 on the other) were one and the same, despite there having been no adjudication thereon — Observations contrary to the material on record and the consistent pleadings and submissions of the parties — Held to not be construed as a finding on the title, identity or location of the suit schedule property and not to be relied upon by the parties in any of the proceedings to assert their claims. [Paras 25, 26, 27, 30]

(ii) Civil Procedure Code, 1908 (V of 1908) — Earlier writ proceedings refraining from determination of title — Effect — Cannot be read as recognition of ownership

In WP No. 14279 of 2006, the High Court had expressly refrained from making any determination of title and directed all parties to approach the civil court of competent jurisdiction for adjudication of right, title, interest and location of the property; the BBMP was directed to delete from its Fiscal Register the names of both Ramdev and R. Vijaykumar and to await the final decision of the civil court; the direction to BBMP regarding Jayamma (predecessor in title of Respondent No. 1) was limited to consideration of her separate application in respect of her distinct property bearing Sy. No. 104, and not to mutate her name as owner of the suit schedule property — Such an order, expressly relegating the parties to the civil court for adjudication of title, cannot, in subsequent proceedings, be characterised as one "recognising ownership" of any party. [Paras 9, 10, 17, 21, 26]

(iii) Civil Procedure Code, 1908 (V of 1908), Order VII Rule 11 — Identity of suit property and party's own pleaded stand — Inverted recording of pleaded stand — Impermissible — High Court could not have proceeded on the premise opposite to the party's own consistent assertion that its property (Sy. No. 104) was distinct from the suit property (Sy. Nos. 102 and 103); common PID number cannot conflate two distinct properties

Where Respondent No.1, both in its Order VII Rule 11 application and before the High Court in revision, had specifically asserted that it had been wrongly arrayed as defendant since the property owned and possessed by it (Sy. No. 104) was completely distinct from the suit schedule property (Sy. Nos. 102 and 103) and that it was in no way connected or related thereto, the High Court could not have proceeded on the inverted premise that the said



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respondent was claiming to be the owner of the suit schedule property — Common PID No. 81-86-1 stated to have been assigned to both Sy. No. 104 and Sy. Nos. 102 and 103 cannot, by itself, conflate two otherwise distinct properties; disputes regarding the concerned property are to be decided by the competent court based on the pleadings and the evidence led by the parties. [Paras 22, 23, 28, 30]

JUDGMENT

Augustine George Masih, J. – (16-04-2026) – Leave granted.

2. The present Appeals assail two orders of the High Court of Karnataka. The first is the judgment and order dated 23.02.2024 in CRP No.131 of 2022 to the extent of certain erroneous observations contained therein. The Second is order dated 22.03.2024 by which IA No.1 of 2024 in CRP No.131 of 2022 seeking correction of said erroneous observations has been dismissed.

3. The grievance of the Appellants is that these erroneous observations have mischaracterized the claim of the Respondent no.1 herein and that of the directions issued in a prior proceeding, which causes prejudice to them in the pending civil proceedings.

4. The dispute pertains to the title and identity of a property located near Ulsoor Lake, Bengaluru, in lieu of which a string of litigation's has occurred. Broadly, three groups of parties are involved—first, the Muniswamappa group represented by the Appellants herein, second, M/s Casablanca estate, (the Respondent no.1 herein) and third, the Respondent nos. 2 to 11 forming part of the Chettiar group. While the Appellants contend that they derive title to the property, corresponding to old sy nos.88 and 89, and new Sy no.102 and 103, through their grandfather Muniswamappa who purchased the property in the year 1901; Respondent nos. 2 to 11, contend that they are owners of the same property through their grandfather Muthuswamy Chettiar via an auction sale in 1872. The Respondent no.1, M/S Casablanca Estate, on the other hand, contends that property bearing Sy no. 104 has the same PID Number assigned by the Bangalore Municipal Corporation as the property bearing sy no. 102, 103, and it derives title to it vide a sale deed executed in its favour by Respondent no. 16, Jayamma in the year 2015.

5. The first suit regarding the property bearing Sy no.85, 86, 102 and 103 with Municipal Corporation No.1/1 came to be filed by one M/S Sri Venkateswara Group against the Appellants and their siblings seeking permanent injunction bearing OS No.16807 of 2004. It was contended that they had entered into a sale agreement with Ranganatha Chettiar and his two sons R.Saradachandan and R. Vijayakumar (relatives of Respondent nos. 2 to 11 herein) pursuant to which a sale deed dated 3.10.2003 had been executed in their favor. However, on 18.10.2004 they had noticed a public notice in the newspaper regarding the intention to purchase the same property, constraining them to file the suit. This suit came to be dismissed on 14.12.2021 as the plaintiffs were unable to prove their case despite multiple opportunities having been given. Their contention of being in peaceful possession and enjoyment of the property was not supported by oral and documentary evidence.

6. In the interregnum, the Appellants' brother Ramdev had also approached the High Court of Karnataka by way of WP No.14279 of 2006 assailing an order of the Joint Commissioner (East), Bangalore Mahanagara Palike (BMP) by which his name had been substituted with that of R.Vijaykumar, son of Muthuswamy Chettiar at their instance, in the Fiscal Register of the municipal corporation Bangalore Mahanagara Palike (hereinafter, 'BMP') in respect of the property. One Jayamma, predecessor in title of Respondent no.1 herein, was also impleaded in the Writ Petition.

7. Before the High Court, the Appellants' brother Ramdev claimed to be owner in possession of land in old sy no.88 new sy no.102 measuring 36 guntas and old sy no.89 new sy no.103 measuring 1 acre 12 guntas. R.Vijaykumar, on the other hand, claimed title to 32 guntas in old sy no.85 new sy no.102 and 1 acre 4 guntas in old sy no.86 new sy no.103. Jayamma (predecessor in title of Respondent no.1 herein) claimed land of 1 acre 32 guntas in sy no.104.



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8. The BMP asserted there was a factual dispute over identity and location of the property belonging to the Appellants' brother and R.Vijaykumar. Since the Bangalore City Corporation was unable to place material over the issue of katha, the High Court called for reports regarding the same from the Assistant Director of Land Records, City Survey-II (hereinafter, 'ALDR').

9. A comprehensive survey of the lands was carried out and reports were filed by the ALDR in 2011 that disclosed that the property conveyed in favour of Jayamma fell within Sy no.104 and it was for her to seek necessary katha for the property from BMP. However, there was a dispute regarding the property sy no.102 and 103. The High Court observed that the Appellants' brother Ramdev submitted that CTS nos.85, 86 relate to property belonging to him but there is no material to establish that these CTS nos. correlate to re-survey nos.103, 102 and old sy nos.88 and 89. There was also no material forthcoming from the respondent Corporation as to whether municipal nos.1 or 1/1 has any relation to the aforesaid survey or re-survey nos or CTS nos. Therefore, there was an identity crisis. The Court would have to hazard a finding on the location of immovable property in question as claimed by Ramdev, vis- a-vis the 4th respondent therein (R.Vijaykumar Chettiar) and the 7th respondent therein, Jayamma (predecessor in title of Respondent no.1 herein), coupled with the fact that BMP was unable to place before the court the record based on which it identified the location of the property in question.

10. The High Court therefore partly allowed the WP No.14279/2006. It was held that the corporation had exceeded its jurisdiction in determining dispute over title to the property and parties were directed to approach the civil court of competent jurisdiction for adjudication over right, title, interest and location of the property. The BMP was directed to delete from its Fiscal register the names of both Ramdev and R.Vijaykumar and await final decision of the civil court. BMP was directed to consider the application of Jayamma in respect of Sy no.104. This order dated 20.2.2015 directing deletion of the names from the Fiscal register was challenged by both Ramdev and Vijaykumar in different writ appeals, both of which were dismissed.

11. Thereafter, Respondent no.2 herein, filed a civil suit bearing OS No. 437/2020 seeking $\frac{1}{2}$ share in the property sy nos.102 measuring 32 guntas and sy no.103 measuring 1 acre 4 guntas by way of partition and declaration of certain agreements as void against the other Chettiars, the Muthuswamys including the Appellants herein, the Respondent no.1 herein and its predecessor in title Jayamma. It was alleged that on 28.12.2019, the Appellants herein and their siblings, Respondent no.1 herein, and Jayamma, along with their men, had attempted to put up a compound and sheds over the schedule properties and they had left the spot proclaiming that they had documents and records in their names and would come again.

12. On 12.7.2021, the Respondent no.1 herein, filed IA No.3 in OS No.437/2020 under Order VII Rule 11 of the CPC seeking rejection of this plaint. It was claimed that Respondent no.1 herein (Defendant no.14 therein) was in possession and ownership of Municipal Corporation No.1, PID No.81-86-1 Re-sy no.104, old sy no.90, Halasuru village, Civil and Military Station of 83,717 sq ft. The revenue authorities had mutated their name in the revenue records and it had paid up to date taxes to the revenue authorities. This property was distinct and different from the suit schedule property sy no.102,103 PID No.81-86-1 and so they were wrongly arrayed as defendant to the suit. Moreover, the High Court in the earlier proceedings in WP No.14279/2006 had directed the parties to go before the competent civil court for tracing the title, location and identity of the property. Therefore, the suit seeking partition of an unidentified and untraceable property was premature.

13. The City Civil Court dismissed this application filed by the Respondent no.1 in OS No.437/2020. It was held that it was clear from the pleadings that cause of action existed as to plaintiffs as they were claiming share in the scheduled property being in joint possession of it and did not have knowledge of the documents of defendants. Further, whether these documents had been executed by fraud was a matter of trial.



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14. Aggrieved, the Respondent no.1 approached the High Court by way of Civil Revision Petition bearing CRP No. 131/2022. It was again pleaded that Respondent no.1 had no relation to the suit property being sy no.102 and 103 and the property lawfully owned and possessed by it was sy no.104 PID no.81-86-1. It was contended that they had been arrayed as defendants mischievously in order to stake a claim over their property. The vendor of Defendant no.14 (Respondent no.1 herein) had made an application to BBMP for effecting khatha in her name in respect of sy no.104. Thereafter, khatha in respect of the sy no.104 had been effected in the name of the vendor of Defendant no. 14 after due enquiry and proceeding. Subsequently, after Defendant no.14 acquired khatha, it was re-mutated in its name.

15. The High Court, by way of the first impugned order allowed the said revision petition on the ground that the cause of action seemed to be prima facie erroneous as the GPA that had been executed by the original plaintiffs for instituting the suit pre-dated the purported cause of action.

16. In the course of its judgment, the High Court made certain observations that the Appellants contend are materially erroneous. In paragraph 6 of the judgment, the High Court observed that Defendant No. 14 (Respondent No. 1) had contended that it is the owner of the suit schedule property and had filed the Order VII Rule 11 application on the ground that the suit had been filed on false and frivolous grounds. This, the Appellants submit, is a direct inversion of what Respondent No. 1 had actually contended: Respondent No. 1 had consistently maintained that it owned Sy. No. 104, which was a different property from the suit schedule property bearing Sy. Nos. 102 and 103, and that it had been wrongly impleaded precisely because it had no claim over the suit schedule property.

17. Furthermore, in paragraph 13 of the judgment, the High Court recorded that the order dated 20.02.2015 passed by the High Court in W.P. No. 14279 of 2006 "recognises ownership of one Jayamma, predecessor in title of Defendant No. 14, and direction is issued to BBMP to mutate her name as owner of the schedule property and remove the name of Vijaykumar." The Appellants submit that this characterisation is factually and legally incorrect. The order of 20.02.2015 did not recognise Jayamma's ownership of the suit schedule property; on the contrary, it expressly refrained from making any determination of title and directed all parties to approach the civil court. The direction to BBMP regarding Jayamma was limited to requiring BBMP to consider her separate application in respect of her distinct property bearing Sy. No. 104, not to mutate her name as owner of the suit schedule property bearing Sy. Nos. 102 and 103.

18. Apprehensive that such erroneous observations may be used by the Respondent no. 1 to stake claim to their property, particularly in light of the fact that the Appellants herein had filed a suit bearing OS No.26121 of 2022 against the respondent no.1 seeking injunction, the Appellants herein sought corrections with respect to the order dt.23.2.2024 and filed an application under section 152 of the CPC. It was prayed that 'suit schedule property' may be corrected to 'sy no.104' in paragraphs 6,13,14 and 18 of the order. This application, however, came to be dismissed by way of the second impugned order dated 22.03.2024 noting that no justifiable grounds were made out as to why correction is to be made.

19. It is submitted that the Appellants' apprehension that the erroneous observations in the impugned judgment would be misused has since materialised as Respondent No. 1 has filed a memo dated 02.04.2024 in O.S. No. 26121 of 2022 placing reliance on the impugned judgment and contending that the suit schedule properties in both cases are one and the same.

20. The Appellants do not challenge the ultimate outcome of C.R.P. No. 131 of 2022, namely the rejection of the plaint in O.S. No. 437 of 2020. The limited relief sought is the deletion or correction of the erroneous observations in paragraphs 6, 13, 14 and 18 of the impugned judgment, which mischaracterise Respondent No. 1's claim and the effect of the High Court order dated 20.02.2015.

21. It is submitted that the High Court's observations in paragraph 13 regarding the order dated 20.02.2015 by the High Court in a previous proceeding being WP No.14279/2006 are



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diametrically opposed to the actual contents of the said order. While the High Court had held that the issues of title ought to be contested in a suit and it was directed that no name be shown against the suit property in the revenue records until determination of ownership, the High Court in the impugned order noted that the order dated 20.02.2015 recognized the ownership of Jayamma and issued direction to BBMP to mutate her name as owner of the schedule property and remove the name of Vijaykumar.

22. It is submitted that it is clear that the Respondent no.1 also understood the holding of the order dated 20.02.2015 as a mere relegation to the Civil Court for adjudication as is evident from averments made in the Order VII Rule 11 application filed by the said respondent in OS No.437/2020. The High Court erred in failing to consider that it was the case of Respondent No. 1 that it is the owner of Re Sy. No. 104, and that it did not claim any right over the property bearing Re Sy. No. 102 and 103 which was the Suit Schedule Property.

23. It is submitted that the Respondent no.1 consistently took the stand the properties were distinct. In the Order VII Rule 11 application filed by it, it was specifically stated that the Suit Schedule Property and sy no.104 were two different and distinct properties. This submission of the two properties being distinct has also been recorded by the Trial Court. Even before the High Court, the Respondent denied any relation to the suit property.

24. In response, the Learned Counsel for the Respondent no.1 submits that in O.S. No. 437/2020, the plaintiffs therein (Respondent Nos. 2, 3, 4 & 5 herein) claimed rights over Re Sy. Nos. 102 and 103, yet in the schedule to the plaint, they used the PID No. 81-86-1, which is exclusively assigned to Sy. No. 104 belonging to the answering Respondent. This was a deliberate drafting device intended to indirectly target Respondent No. 1's property. The High Court, in the first Impugned Judgment, after examining the entire plaint, rightly held that the suit schedule property corresponds to the property of Respondent No. 1. The present SLP is a tactical manoeuvre to obtain observations from this Court that may influence the outcome of the pending CRP and OS No.26121 of 2022.

25. Having heard the learned counsels and on perusal of the materials on record, it is clear that the stand of the Respondent no.1 herein, as well as that of its predecessor Jayamma, was never that the property bearing sy no.102 and 103 was same as sy no.104. The High Court by way of its first impugned order has erred in recording the stand of Respondent no.1 and the directions issued in the previous High Court order dated. 20.02.2015 in WP No.14279 of 2006.

26. This is evident from the pleadings made by the Respondent no.1 and its predecessor, as well as the orders of the Court in the earlier proceedings. The High Court in its order dated 20.02.2015 in WP No.14279/2006 had recorded that Jayamma claimed land measuring 1 Acre 32 guntas in Sy no. 104. The Commissioner's report had also disclosed that the property conveyed in favor of Jayamma fell within sy no.104 and it was for her to seek necessary katha for the property from BMP. The Writ petition had been disposed of with directions to BMP to consider the application of Jayamma for issuance of katha in respect of sy no.104. That the same was applied for and obtained after due enquiry and procedure is reflected in the plaint by the Respondent no.1 himself in CRP No.131 of 2022. Even in the Order VII Rule 11 application filed by Respondent no.1 in OS No.437 of 2020, the stand was that it had been wrongly arrayed as defendant as the property owned and possessed by it was completely distinct and different. It was even specifically asserted that it was in no way connected or related to the suit schedule property in the said suit.

27. Therefore, the observations of the High Court in the first impugned order regarding the order dated 20.02.2015 and the claim of Respondent no.1 to the suit property are prima facie erroneous as they assume that the properties are one and the same, despite there having been no adjudication on the same. These observations are contrary to the material on record and the consistent pleadings as also the submissions of the parties.



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28. However, the contention of the Respondent no.1 regarding sy no.104 having the same PID No. as that of sy no.102,103, namely PID No. 81-86-1 causes apprehension of one's property being claimed as the others.

29. It has come on record that on 12.09.2024, Respondent No. 1 filed an Order VII Rule 11 application in O.S. No. 26121 of 2022 that has been filed by the Appellants, which was rejected by the Trial Court. This order is presently challenged by Respondent No. 1 in C.R.P. No. 752 of 2024 before the High Court of Karnataka. By order dated 06.03.2025, the High Court in those proceedings has stayed the proceedings in O.S. No. 26121 of 2022.

30. In view of the foregoing, while we do not consider it necessary to interfere with the operative order of the High Court rejecting the plaint in O.S. No. 437 of 2020, we are of the view that the observations in paragraphs 6,13, 14 and 18 of the impugned judgment, as they stand, do not accurately reflect either the pleaded position of Respondent No. 1 or the directions contained in the order dated 20.02.2015 in W.P. No. 14279 of 2006. We accordingly clarify that the said observations shall not be construed as a finding on the title, identity, or location of the suit schedule property. The observations by the High Court in the first impugned order are to not be relied upon by the parties in any of the proceedings in order to assert their claims. Needless to say, the disputes regarding the concerned property is to be decided by the competent court based on the pleadings and the evidence led by the parties.

31. The appeals are disposed of accordingly.

32. There shall be no order as to costs.

33. Pending applications, if any, stand disposed of.

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