

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. /2025
(@ SLP (C) No. 1183/2025)

JAKKAVVA & ANR. APPELLANT(S)

VERSUS

PRAHLAD GOWDA & ORS. RESPONDENT(S)

WITH

CIVIL APPEAL NO. /2025
(@ SLP (C) No. 4761/2025)

O R D E R

Leave granted.

Challenge in these appeals is to the common judgment and final order dated 18.12.2024 passed by the High Court of Karnataka, Circuit Bench at Dharwad, in Civil Revision Petition Nos. 100041/2024 and 100043/2024 and in Writ Petition No. 102089/2024. Thereby, the High Court dismissed all three cases confirming the order passed by the learned Principal Senior Civil Judge and JMFC, Hubballi, in Execution No. 228/2023, whereby respondent Nos. 1 and 2 herein were permitted to maintain an application under Order XXI Rule 97 of the Code of Civil Procedure, 1908¹.

The predecessor of respondent Nos. 1 and 2 was admittedly inducted into the property in question as a sub-lessee of Siddalingappa Bulla. While so, Jakkavva and Savakka, the

¹ For short, 'the CPC'

appellants herein, instituted O.S. No. 02/2009 on the file of the learned I Additional Senior Civil Judge and CJM, Dharwad, seeking partition and separate possession of their shares in the Suit Schedule 'A' and 'B' properties, excluding Schedule 'B1' property. The trial Court, while decreeing the suit, observed that the Suit Schedule 'B', properties were initially leased for a term of 10 years but, thereafter, continued as an indefinite lease in favor of M/s. Indian Cotton Company Limited. The leasehold rights were then transferred to Siddalingappa Bulla under registered indenture dated 06.04.1964 by M/s. Indian Cotton Company Limited.

It is Siddalingappa Bulla who then inducted the predecessor of respondent Nos. 1 and 2 into the subject property under registered sub-lease deed dated 06.04.1964.

Siddalingappa Bulla expired on 12.10.1999. The trial Court observed, in that context, in paragraph 55 of the judgment that neither the deceased Siddalingappa Bulla nor his legal heirs could claim a lifetime tenancy and that the said tenancy rights ended with the death of Siddalingappa Bulla. The suit was, accordingly, decreed.

Aggrieved thereby, the legal heirs of Siddalingappa Bulla, who claimed tenancy rights over the subject property, filed R.F.A. Nos. 100301/2019 and 100248/2020.

The High Court dismissed both the appeals, *vide* common judgment/order dated 24.08.2023, wherein the High court recorded that, as the lease was not permanent, neither the appellants, that is, the legal heirs of Siddalingappa Bulla, nor any person deriving interest under them, could claim immunity from eviction from the

leased property. The High Court categorically recorded that such persons must deliver possession to the plaintiffs and defendant Nos. 1, 5 and 6 in the suit.

The High Court further recorded that for ejecting a tenant by sufferance, notice is not necessary to be issued and in the present cases, after the death of Sidlingappa Bulla, the possession of the appellants, that is, his legal heirs, was no better than that of tenants by sufferance. This judgment was confirmed by this Court in "*Latha Holeyappa Bulla & Ors. vs. Jakkavva & Ors.*"².

After the judgment attained finality, the appellants instituted execution proceedings against the tenants. While so, respondent Nos. 1 and 2, claiming to be third parties, filed an application under Order XXI Rule 97 of the CPC, which came to be entertained by the trial Court and that course of action now stands approved by the High Court, by way of the impugned judgment.

We must, however, note that respondent Nos. 1 and 2 had no independent right as they claim their tenancy rights through Siddalingappa Bulla, who was admittedly a tenant himself, and whose lease stood expired. In this regard, we may refer to the decision of this Court in *Rupchand Gupta vs. Raghuvanshi (Private) Ltd. and another*³ and more particularly, paragraph 12 thereof, which is extracted below.

12. Taking the last action first viz. Raghuvanshi's omission to implead the appellant, it is quite clear that the law does not require that the sub-lessee need

2 SLP (C) Nos. 23607-23608 of 2023

3 1964 SSC OnLine SC 325

be made a party. It has been rightly pointed out by the High Court that in all cases where the landlord institutes a suit against the lessee for possession of the land on the basis of a valid notice to quit served on the lessee and does not implead the sub-lessee as a party to the suit, the object of the landlord is to eject the sub-lessee from the land in execution of the decree and such an object is quite legitimate. The decree in such a suit would bind the sub-lessee. This may act harshly on the sub-lessee; but this is a position well understood by him when he took the sub-lease. The law allows this and so the omission cannot be said to be an improper act.

As respondent Nos. 1 and 2 cannot and do not claim any independent rights, even if they were not made party to the execution proceedings, they cannot assume the role of claimants who can come within the ambit of Order XXI Rule 97 of the CPC. Their rights were wholly dependent upon and flowed from that of the tenant who had sub-leased the property to them or their predecessor and they could not, therefore, seek to be placed on a higher footing than their lessor, Siddalingappa Bulla, whose case stood decided by the trial Court and attained finality after this Court confirmed the judgment/order passed by the High Court, dismissing the first appeals arising therefrom.

The High Court was, therefore, not justified in permitting respondent Nos. 1 and 2 to reopen the entire matter by way of an

application under Order XXI Rule 97 of the CPC.

The appeals are, accordingly, allowed in the aforesaid terms, setting aside the impugned judgment and order dated 18.12.2024 passed by the High Court of Karnataka, Circuit Bench at Dharwad and the order passed by the executing Court entertaining the application under Order XXI Rule 97 of the CPC.

It would, however, be open to respondent Nos. 1 and 2 to seek intervention in the execution proceedings, if they wish to raise any claims, including a claim for reimbursement for the value of the constructions made by them in the tenanted land. They shall be precluded from again raising the claims that they had raised by way of their application under Order XXI Rule 97 of the CPC.

Given the length of the time that has lapsed during the pendency of this case, we would request the executing Court to take up the execution proceedings and conclude the same as expeditiously as possible and, preferably, within a period of six months from today.

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

.....J.
(SANJAY KUMAR)

.....J.
(ALOK ARADHE)

NEW DELHI;
DECEMBER 09, 2025.

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

Petition for Special Leave to Appeal (C) No. 1183/2025

[Arising out of impugned final judgment and order dated 18-12-2024 in CRP No. 100043/2024 passed by the High Court of Karnataka Circuit Bench at Dharwad]

JAKAVVA & ANR.

Petitioner(s)

VERSUS

PRAHLAD GOWDA & ORS.

Respondent(s)

(IA No. 29014/2025 - APPROPRIATE ORDERS/DIRECTIONS AND IA No. 10223/2025 - EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 4761/2025 (IV-A)

IA No. 44576/2025 - EXEMPTION FROM FILING O.T.

Date : 09-12-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) Mr. D.S. Naidu, Sr. Adv.
Mr. Al Neelopant, Adv.
Mr. Chinmay Deshpande, Adv.
Mr. Abhishek Kalled, Adv.
Mr. Anirudh Sanganerla, AOR

For Respondent(s) Mr. Devadatt Kamat, Sr. Adv.
Mr. Ajay Desai, Adv.
Mr. Javedur Rahman, AOR
Mr. V.H. Ron, Adv.
Mr. K.L.Patil, Adv.
Mr. Md. Arman Yahya, Adv.
Mr. Pramod Mallur, Adv.
Mr. Saharul Alam Laskar, Adv.

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

Leave granted.

The appeals are allowed in terms of the signed order.

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

(BABITA PANDEY)
AR-cum-PS

(PREETI SAXENA)
COURT MASTER (NSH)
(Signed order is placed on the file)