



CNR: KAHC010592882026

NC: 2026:KHC:52040
WP No. 26561 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 26561 OF 2026 (GM-CPC)

BETWEEN:

1. M/S. SREENIVASA ENTERPRISES,
A PARTNERSHIP FIRM HAVING ITS OFFICE
AT NO.40, LALBAGH ROAD,
BENGALURU 560027,
SRI RAVISHANKAR K.R AND
REPRESENTED BY ITS PARTNER
SMT. ANITHA R

...PETITIONER

(BY SRI M.S. SHYAM SUNDAR, SENIOR COUNSEL FOR
SMT. VANDANA P. L., ADVOCATE)

AND:

1. BASETTY TRUST
A PUBLIC CHARITABLE TRUST,
WITH ITS REGISTERED OFFICE
AT NO.512, ASWATHKATTE ROAD,
V.V.PURAM, BENGLAURU-560004.
REP. BY ITS PRESIDENT,
SECRETARY AND TRUSTEES
2. SRI.B.N.RAM MOHAN
S/O. LATE. B. K.NARAYAN
AGED ABOUT 55 YEARS
OFFICE AT NO.512, ASWATHKATTE ROAD,
V.V.PURAM, BENGLAURU-560004



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3. SRI.B.V.BADRINATH
S/O LATE. B. R.RAMASHASTRI
AGED ABOUT 62 YEARS
OFFICE AT NO.512, ASWATHKATTE ROAD,
V.V.PURAM, BENGLAURU-560004
4. SRI. JALAJA SHEKAR
WIFE OF LATE. B.V. CHANDRASHEKAR
AGED ABOUT 69 YEARS
NO.100/24, 10TH D MAIN ROAD,
1BLOCK, JAYANAGAR, BENGALURU - 560 011
5. SRI. S.K.KISHORE
S/O LATE.B.S.KRISHNA MURTHY
AGED ABOUT 59 YEARS
OFFICE AT NO. 512. ASWAJHKATTE ROAD.
V.V.PURAM. BENGLAURU-560004
6. SMT.RAJESHWARI B.N.,
W/O V.B.KRISHNALAH CHETTY
D/O. LATE. B. R. NAGARAJAN
AGED ABOUT 65 YEARS
R/AT NO.593, 21ST MAIN ROAD,
4TH T BLOCK, JAYANAGAR,
BENGALURU-560041

...RESPONDENTS

(BY SRI P.P. HEGDE, SENIOR COUNSEL FOR
SRI VISWANATH SETTY, ADVOCATE FOR R1)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE DELIVERY WARRANT ISSUED IN EX.P. NO.147/2026 PENDING BEFORE THE COURT OF THE HON'BLE CITY CIVIL AND SESSIONS JUDGE, BENGALURU, INsofar AS THE SAME DIRECTS DELIVERY OF POSSESSION OF THE SCHEDULE PROPERTY TO THE RESPONDENT NO.1 BEFORE EXPIRY OF THE PERIOD GRANTED BY THE HON'BLE SUPREME COURT VIDE ANNEXURE A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The respondents filed a suit for ejectment against the petitioner herein, which came to be partly decreed in O.S.No.3840/2018. Both parties preferred first appeals before this Court in R.F.A.No.816/2024 and connected matters. The appeal filed by the plaintiffs came to be allowed in part, while the appeals filed by the defendants came to be dismissed. This Court held that the landlords are entitled to mesne profits/damages at the rate of Rs.20,00,000/- per month in respect of the entire suit schedule properties and directed the defendants to hand over vacant possession of the suit schedule properties to the landlords within four months, i.e., on or before 15.02.2026.

2. The petitioner preferred SLP (C) Nos.4029-4037/2026, impugning the order dated 13.10.2025 passed by the Division Bench of this Court in R.F.A.No.816/2024 and connected matters. The Hon'ble Supreme Court, by order dated 20.05.2026, permitted the petitioner herein to vacate the premises and hand over peaceful possession thereof, and



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directed the petitioner to pay mesne profits on or before 30.09.2026.

3. The respondents initiated execution proceedings in Ex.No.147/2026. The Executing Court, by the impugned order dated 22.08.2026, issued a delivery warrant with police protection. The said order is impugned in the present petition.

4. On the earlier dates of hearing, this Court directed the production of the affidavit filed before the Hon'ble Supreme Court in compliance with the directions issued therein. Accordingly, an affidavit dated 16.09.2026 has been filed, enclosing the undertaking affidavit filed before the Hon'ble Supreme Court. The filing of the said affidavit is also recorded in the order sheet maintained by the Hon'ble Supreme Court.

5. Sri. M. S. Shyam Sundar, learned Senior Counsel appearing for the petitioner, submits that, in view of the undertaking affidavit filed before the Hon'ble Supreme Court in compliance with the earlier order dated 20.05.2026, the petitioner ought to be permitted to vacate the premises in question after removing the fittings and fixtures. It is further



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submitted that, in the event of any breach of the order passed by the Hon'ble Supreme Court, the respondents are at liberty to initiate appropriate proceedings.

6. Sri. P. P. Hegde, learned Senior Counsel appearing for the respondents, submits that the affidavit filed by the petitioner is not in conformity with the directions issued by the Hon'ble Supreme Court. It is submitted that, though an undertaking has been given to vacate and hand over possession on or before 30.09.2026, nothing has been stated with regard to the payment of mesne profits. It is therefore submitted that the affidavit does not constitute complete compliance with the directions issued by the Hon'ble Supreme Court. In that view of the matter, it is submitted that the Executing Court was justified in issuing a delivery warrant with police protection.

7. Considered the submissions made by the learned counsel for the parties.

8. The events referred to hereinabove are not in dispute. There is a decree for eviction operating against the petitioner. The Division Bench of this Court granted time to the petitioner



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till 15.02.2026 to hand over vacant possession of the suit schedule property and held that the landlords are entitled to mesne profits/damages at the rate of Rs.20,00,000/- per month. The said direction was modified by the Hon'ble Supreme Court by extending the time for handing over possession of the property in question till 30.09.2026, subject to two conditions. Firstly, the petitioner was required to furnish an undertaking to vacate and hand over peaceful possession of the premises in question on or before 30.09.2026. Secondly, the petitioner was required to furnish an undertaking to pay the mesne profits on or before 30.09.2026.

9. The affidavit stated to have been filed, which has been produced before this Court, refers only to vacating the property on or before 30.09.2026. Insofar as payment of mesne profits, as directed by the Division Bench of this Court and reiterated by the Hon'ble Supreme Court, is concerned, the affidavit of undertaking is conspicuously silent.

10. The affidavit of undertaking stated to have been filed before the Hon'ble Supreme Court on 25.08.2026 cannot be



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said to be in conformity with, or in compliance with, the directions issued by the Hon'ble Supreme Court on 20.05.2026. In the absence of compliance with the directions issued by the Hon'ble Supreme Court, the present petition does not warrant any interference by this Court.

11. Accordingly, the writ petition stands ***dismissed.***

**Sd/-
(K. V. ARAVIND)
JUDGE**

VP
List No.: 1 Sl No.: 49