



CNR: KAHC010059062023

NC: 2026:KHC:46550
WP No. 2644 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 2644 OF 2023 (GM-CPC)

BETWEEN:

CANARA BANK
A PUBLIC SECTOR BANK
HAVING ITS BRANCH AT
ARM BRANCH, MG ROAD
BENGALURU 560001.

REP. BY PAWAN CHATURVEDI
AGED ABOUT 40 YEARS
S/O K.B.L. CHATURVEDI
CHIEF MANAGER
ARM-I BRANCH, CANARA BANK.

...PETITIONER

(BY SRI. HEMANTH RAO, ADVOCATE FOR
SRI. RUKKOJI RAO H S., ADVOCATE)

AND:

1. MR Y B SHIVASHANKAR
S/O LATE BYANNA
AGED ABOUT 63 YEARS
R/AT NO 117/4, LAKSHMI NILAYA
NEAR BUS STOP 1ST CROSS
PEENYA 2ND STAGE
BENGALURU 560058.
2. M/S D.F. FORGINGS AND
MACHINING CENTRE PVT. LTD.,
REP. BY ITS MANAGING DIRECTOR

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



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MR. KAMAL KISHORE
REGD. OFFICE AT PLOT NO.498
4TH PHASE, 3RD STAGE
PEENYA INDUSTRIAL AREA
BENGALURU-560 058.

3. MR. KAMAL KISHORE
S/O RAMASHISH SINGH
AGED ABOUT 52 YEARS
R/AT NO.64 2ND CROSS
SUNDERNAGAR, GOKULA
BENGALURU-560 054.

...RESPONDENT

(BY SMT. HARSHITHA R, ADVOCATE FOR
SRI. SHREYAS JAYASIMHA., ADVOCATE FOR R2 & R3:
R1 SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-SET
ASIDE THE ORDER DATED: 12.12.2022 AND 17.01.2023 ON IA
NO.1/2022 AND IA.NO.2/2022 PASSED BY THE XX ADDL. CITY
CIVIL AND SESSIONS JUDGE AT BENGALURU IN OS
NO.7943/2022 VIDE ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed by defendant No.3 under
Articles 226 and 227 of Constitution of India, challenging
the orders dated 12.12.2022 and 17.01.2023 on IA Nos. 1
and 2 passed by the XX Additional City Civil and Sessions



Judge, Bengaluru (for short, 'Trial Court') in O.S.No.7943/2022, whereby the Trial Court has directed the respondents/defendants not to alienate or create third party interest in respect of the suit schedule 'B' property.

2. Petitioner/defendant No.3 has challenged the impugned order passed by the Trial Court, on the ground that the suit itself is not maintainable in view of Section 34 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act').

3. This Court, on 16.02.2023 has granted an interim order of stay of the impugned order dated 12.12.2022, passed in O.S.No.7943/2022 by the Trial Court.

4. The respondent No.1/plaintiff is served and unrepresented.

5. The interim order dated 16.02.2023 is operating from last 3 years till today. Since the suit is of the year 2022, the interim order is operating from last 3 years and



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no application for vacating the stay is filed and further, since none appear for the respondent No.1, hence, I am of the opinion that the writ petition can be disposed of, continuing the interim order granted by this Court till disposal of the suit. Accordingly, the following:

ORDER

- (i) The writ petition stands disposed of.
- (ii) The interim order granted by this Court dated 16.02.2023 shall be continued till the disposal of the suit.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

CM
LIST NO.: 1 SL NO.: 43