



CNR: KAHC010497352026

NC: 2026:KHC:40039
WP No. 22480 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 22480 OF 2026 (GM-DRT)

BETWEEN:

MR. KAMAL SINGH JAIN,
S/O. LATE K.L.JAIN,
AGED ABOUT 76 YEARS,
RESIDING AT 7, 16TH MAIN,
5TH 'B' CROSS, IAS OFFICERS COLONY,
BTM II STAGE, BENGALURU-560076.

...PETITIONER

(BY SRI. KAMAL SINGH JAIN, PARTY-IN-PERSON)

AND:

KOTAK MAHINDRA BANK LIMITED
REPRESENTED BY ITS
AUTHORIZED OFFICER,
2, 3RD FLOOR, KOTAK HOUSE,
M.G.ROAD, BENGALURU-560001.

...RESPONDENT

(BY SRI. DILEEP D., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING, THIS DAY, AN ORDER IS MADE AS UNDER:

Digitally signed by
PREMCHANDRA M
Location: HIGH
COURT OF
KARNATAKA



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ORAL ORDER

Petitioner - Sri.Kamal Singh Jain, party in-person and Sri.Dileep D., counsel for caveator/ respondent appeared in person.

Counsel Sri.Dileep.D., submits that Sri.Kamal Singh Jain is the party in-person and he had appeared before the Tribunal.

2. This petition is filed seeking following reliefs:
 - (a) Issue a writ of certiorari or any other appropriate writ quashing the order dated 30.06.2026 passed by the Debts Recovery Tribunal - II, Bengaluru in S.A.No.332/2026, which is marked as Annexure-K.
 - (b) Declare that the Tribunal failed to consider the principal issue relating to the illegal debit of Rs.3,74,000/- from the petitioner's independent Overdraft Account and Cr petitioners' A/C with interest. Make petitioner's A/c standard.
 - (c) Quash the proceedings in respect of the possession notice initiated by respondent under the SARFAESI Act in respect of the schedule property pending disposal of the present Writ Petition which is marked as Annexure-H dated:15.06.2026.



CNR: KAHC010497352026

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WP No. 22480 of 2026**

(d) Grant such other reliefs as this Hon'ble Court deems fit in the interests of justice and equity.

3. Petitioner / Party in-person urged several contentions.

The party appearing in person has strenuously contended that the material and submissions placed before the Tribunal were not duly considered. It is urged that the Tribunal has erroneously passed the impugned order without proper appreciation of the same. Aggrieved by the said order, the party-in-person has approached this Court.

4. Heard the contentions and perused the papers with utmost care.

5. The secured creditor (bank) has taken measures under Section 13(4) of the SARFAESI Act. The borrower/petitioner has challenged those measures before the Debt Recovery Tribunal (DRT). The DRT has passed an interim order, but it is conditional requiring the petitioner to deposit a certain sum within a fixed time frame. Instead of complying,



CNR: KAHC010497352026

the petitioner has now filed a writ petition before the High Court, raising multiple grounds as outlined in the writ petition.

6. The following points arise for determination.

1. Whether the writ petition is maintainable when an efficacious remedy under the SARFAESI Act is available before the Tribunal.
2. Whether the interim order of the Tribunal, subject to deposit, warrants interference under Article 226.
3. Whether the grounds urged in the writ petition disclose any jurisdictional error or violation of principles of natural justice.

7. The Tribunal has exercised its discretion in granting interim relief, but made it conditional upon deposit. The petitioner has assailed the measures of the bank without first complying with the condition imposed. The writ petition raises grounds which are substantially within the domain of the Tribunal's jurisdiction.

The SARFAESI Act provides a complete mechanism, including an appeal to the Appellate Tribunal. High Courts ordinarily refrain from interfering at the interlocutory stage



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unless there is patent illegality. Conditional orders requiring deposit are a recognized method to balance equities between borrower and creditor. No interference is warranted at this stage.

8. Resultantly, the writ petition is ***dismissed***. The petitioner party-in-person may approach appropriate forum, if so advised and if the law permits.

Because of dismissal the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

**SD/-
(JYOTI M)
JUDGE**

SS
List No.: 1 Sl No.: 5