



CNR: KAHC010566912026

NC: 2026:KHC:44568
WP No. 25879 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 25879 OF 2026 (GM-DRT)

BETWEEN:

SMT. AHSWATHAMMA
D/O MUNIYAPPA,
W/O LATE SHIVAPPA,
AGED ABOUT 53 YEARS
R/AT, 10, M.
HOSAHALLI THOTIKAL VILLAGE,
MASTHI HOBLI, MALURU TALUK,
KOLAR DISTRICT.

...PETITIONER

(BY SRI. RASHEED KHAN., ADVOCATE)

AND:

JANA SMALL FINANCE BANK LIMITED,
(FORMELY KNOWN AS JANALAKSHMI
FINANCE SERVICES LTD),
HAVING ITS REGISTERED OFFICE AT,
THE FAIRWAY, GROUND AND FIRST FLOOR,
SURVEY NO. 10/1, 11/2 12/2B,
OFF DOMLUR, KORAMANGALA
INNER RING ROAD,
NEST TO EGL BUSINESS PARK,
CHALLAGHATTA, BENGALURU - 560071.

REGIONAL BRANCH OFFICE AT
DIVYASHREE CHAMBERS,



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#11, O SHAUGHNESSY ROAD,
5TH FLOOR, 'A'
WING OFF LANGFORD ROAD,
SHANTHI NAGAR,
BENGALURU - 560025.
REPRESENTED BY ITS
AUTHORIZED OFFICER AND
ASSOCIATE VICE PRESIDENT
MRS.NAVYA NISHIT SHETTY K.

...RESPONDENT

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

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

ORAL ORDER

Sri.Rasheed Khan, counsel for the petitioner appeared in
person.

2. This petition is filed seeking following reliefs;
 - (i) Issue a writ in the nature of certiorari quashing
order dated 01.12.2025 in
Crl.Misc.No.1602/2025 by principal Senior Civil
Judge and CJM at Kolar under provisions of



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Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 14 against the petitioner as per the Annexure-D.

- (ii) Issue writ or order or direction in the nature of mandamus directing the respondent to provide for installment facility to the petitioner.
- (iii) Pass such other order or directions in favour of the petitioner, which this Hon'ble Court deems fit under the facts and circumstances of the case.

3. Counsel for the petitioner several contentions. Heard the arguments and perused the papers with care.

4. Suffice it to note that the Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.1602/2025 and the Court vide order dated:01.12.2025 had allowed the petition. The order passed under Section 14 of the SARFAESI Act cannot be questioned under writ jurisdiction, as there is an alternate remedy of filing an appeal before the DRT. The litigants are not remediless, as



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the Tribunal has been established specifically to adjudicate the *lis*.

It is significant to note that Article 226 is not intended to circumvent statutory procedures. When a right or liability is created by a statute which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before seeking the discretionary remedy under Article 226. The law is also well settled that a petition under Article 226 should not be entertained unless the statutory remedies are ill-suited to meet the demands of an extraordinary situation.

Moreover, the Apex Court has also observed in the case of ***UNITED BANK OF INDIA V/S. SATYAWATI TONDON AND OTHERS*** that the High Courts continue to ignore the availability of statutory remedies under the DRT and SARFAESI Act and exercised jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of the Banks and other financial institutions to recover their dues. We hope and trust that in future the High Courts will exercise their discretion in such matters with great caution, care and



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circumspection. Hence, I decline to exercise power under writ jurisdiction. The petitioner may approach the appropriate forum if so advised and if the law permits.

Accordingly, the writ petition is ***dismissed***.

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.: 6