



CNR: KAHC010582472026

NC: 2026:KHC:44915
WP No. 26157 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 26157 OF 2026 (GM-DRT)

BETWEEN:

SMT. JUDELYN AHMAD,
D/O. LATE SRI. JUDE IGNATIUS DOMINGO,
AGED ABOUT 49 YEARS,
R/AT NO.429, 1ST FLOOR, 11TH 'B' CROSS,
29TH MAIN, NEAR R.V. DENTAL COLLEGE,
1ST PHASE, J.P. NAGAR,
BENGALURU-560078.

...PETITIONER

(BY SRI. BIBHAS V.KITTUR, ADVOCATE)

AND:

1. L AND T FINANCE HOLDINGS LTD.,
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF COMPANIES ACT, 2013,
HAVING BRANCH OFFICE AT
SITE NO.92, 2ND FLOOR, Z SQUARE,
JYOTHI NIVAS COLLEGE ROAD,
5TH BLOCK, KORAMANGALA,
BENGALURU-560095.
REPRESENTED BY ITS BRANCH MANAGER
2. SMT. FELICITY A DOMINGO,
W/O. LATE JUDE IGNATIUS DOMINGO,
AGED ABOUT 76 YEARS,
R/AT NO.429, GROUND FLOOR,
11TH 'B' CROSS, 29TH MAIN,
NEAR R.V.DENTAL COLLEGE,
1ST PHASE, J.P. NAGAR,
BENGALURU-560078.



CNR: KAHC010582472026

NC: 2026:KHC:44915
WP No. 26157 of 2026

3. SRI. PULA RAJENDRA SIVA PRASAD,
S/O. SARATH BABU,
AGED ABOUT 44 YEARS,
R/AT NO. 21/5/12/H,
TRIPURA BAILA VERI VEEDHI,
RAMALINGESHWARA PETA,
TENALI, GUNTUR DISTRICT,
ANDHRA PRADESH-522201.

...RESPONDENTS

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:

ORAL ORDER

Sri.Bibhas V.Kittur, counsel for the petitioner appeared in
person.

2. This petition is filed seeking following reliefs:
- (i) Issue a writ of certiorari or any other appropriate writ, order or direction, quashing the order dated 07.01.2026 passed under Section 14 of the SARFAESI Act, 2002 in Crl.Misc.No.4329/2025 passed by second Additional Chief Judicial Magistrate, Bengaluru, (Annexure-A), insofar as it affects the



CNR: KAHC010582472026

**NC: 2026:KHC:44915
WP No. 26157 of 2026**

petitioner's 1/2 undivided share and possession of the schedule property.

- (ii) Issue a writ of mandamus or any other appropriate writ, order or direction, directing respondent No.1 to forthwith restore vacant and peaceful possession of the schedule property bearing New Municipal No.429, 11th 'B' Cross, 29th Main, J.P.Nagar 1st Phase, BENGALURU - 560 079 (or, in the alternative, the petitioner's 1/2 undivided share and the portion thereof that was in her physical occupation as on 17.08.2026) to the petitioner, and restraining respondent No.1, its agents, representatives and all persons acting on its behalf, from interfering with such possession.
- (iii) Award costs of this petition to the petitioner and
- (iv) Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and equity.

3. Counsel for the petitioner submits that the order passed under Section 14 is vitiated for want of jurisdiction and in violation of principles of natural justice. It is contended that



CNR: KAHC010582472026

**NC: 2026:KHC:44915
WP No. 26157 of 2026**

the petitioner is not a party to the proceedings and is a stranger to a loan transaction between respondent Nos.1 and 3.

It is argued that the impugned order nowhere refers to or takes note of the petitioner's independent claim of title and possession or of the pendency of O.S.No.1359/2023, and proceeds solely on the case setup by the first respondent against the borrower/ mortgager side. A great deal has been argued regarding the nature of the property and the petitioner's share therein. Urging additional contentions counsel submits that the petition may be allowed.

4. Heard the arguments and perused the papers with care.

5. Suffice it to note that the Bank had filed petition under Section 14 of the SARFAESI Act in Crl.Misc.No.4329/2025 and the Court vide order dated:07.01.2026 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



CNR: KAHC010582472026

NC: 2026:KHC:44915
WP No. 26157 of 2026

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



CNR: KAHC010582472026

NC: 2026:KHC:44915
WP No. 26157 of 2026

discretion in such matters with great caution, care and circumspection.

The contention regarding the nature of the property and the extent of the petitioner's share therein cannot be adjudicated in the exercise of writ jurisdiction. Hence, I decline to exercise power under writ jurisdiction.

6. 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.: 2