



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

REVIEW PETITION NO. 588 OF 2023

BETWEEN:

RAJEEV HUNDEKAR
S/O SIDDARAMAAPPA,
AGED ABOUT 53 YEARS,
R/O NO. 9, 3RD MAIN, 11TH CROSS,
PRASANTH NAGAR, BANGALORE-79

...PETITIONER

(BY SRI. PRAVEEN KUMAR RAIKOTE, ADVOCATE)

AND:

1. THE GENERAL MANAGER
SRI VEERAPULKESHI COOPERATIVE BANK,
BADAMI-587201
2. SRI SATISH
S/O SIDDARAMAAPPA,
AGED ABOUT 51 YEARS,
R/O NO. 81, VINOD APARTMENT
2ND FLOOR, BASAVESHWAR NAGAR,
BANGALORE-79
3. SRI SIDDARAMAAPPA
S/O GURULINGAPPA HUNDEKAR,
R/O NO. 81, VINOD APARTMENT
2ND FLOOR, BASAVESHWAR NAGAR,
BANGALORE-79
4. THE JOINT REGISTRAR OF

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signed by
NIRMALA
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Location:
HIGH COURT
OF
KARNATAKA



CO OPERATIVE SOCIETIES
GOKUL ROAD,
HUBBALLI-580030

...RESPONDENTS
(BY SRI. KALYAN RAO SHANKERRAO PATIL, ADVOCATE FOR
R1)

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1 OF CPC R/W ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THIS REVIEW PETITION AND REVIEW THE ORDER PASSED IN WRIT PETITION NO. 24388/2018 (CS-RES) DATED 07TH NOVEMBER 2023, AND RESTORE THE WRIT PETITION 24388/2018 TO ITS FILE, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

1. The present review petition is filed by the writ petitioner seeking to review the order dated 07.11.2023 (**impunged order**) passed in Writ Petition No.24388/2018 (CS-RES).

2. The primary contention urged by the learned counsel for the petitioner is that the petitioner has deposited a sum of ₹30,86,561/- with the respondent - bank vide letter dated 8/11.07.2016 (Annexure-G to the writ petition), which has been acknowledged by the bank vide e-mail dated 13.07.2016



(Annexure-H to the writ petition) and the only contention that was urged before the Joint Registrar as well as the Karnataka Appellate Tribunal¹, Bengaluru, is that from the date when the deposit of the said amount of ₹30,86,561/- was made, the accruing of interest should be stopped. It is further submitted that merely because the records were not produced, the said contention of the petitioner was not accepted.

3. *Per contra*, learned counsel for the respondent - bank vehemently disputed the fact that the petitioner has made the payment of any amount as is sought to be contended. It is further submitted that only photocopies of the demand drafts have been produced and no payments have been made.

4. It is forthcoming that in the writ petition, the petitioner had challenged the order dated 28.02.2018 passed in Appeal No.154/2016 passed by the Tribunal and the order dated 29.02.2016 passed in JRD/UBF/2348/14-15 by the Joint Registrar (respondent No.4). The Joint Registrar vide award dated 29.02.2016 rejected the application made by the writ petitioner and directed for payment of ₹29,89,055/- together

¹ hereinafter referred to as 'Tribunal'



with interest. It is pertinent to note that the Appeal No.154/2016 was filed by the society. Although it is sought to be submitted by the learned counsel for the petitioner that the petitioner had challenged the order dated 28.02.2018 passed by the Joint Registrar in Appeal No.145/2016, it is clear and forthcoming that the order impugned in the writ petition is the order dated 28.02.2018 passed in appeal No.154/2016.

5. Be that as it may, the contention that accruing of interest should be stopped from the date of deposit of ₹30,86,561/- is without prejudice to the appeal filed by petitioner and as also without prejudice to Writ Appeal No.101489/2016 filed by the bank. It is noticed that Writ Appeal No.101489/2016 filed by the bank has been dismissed by the Division Bench of this Court.

6. It is noticed that the deposit of the amount, if any, is not an unconditional and the same was not made to the loan account. It is also noticed that there was more than one loan account and that the petitioner was the surety in respect of recovery that is sought to be made in respect of other loan account.



7. In view of the aforementioned, the decision of the authorities not accepting the contention of the petitioner to stop the accruing of interest cannot be faulted.

8. There is no ground made out to review the order dated 07.11.2023. However, it shall be open to the petitioner to demonstrate before the Executing Court the factum of payment of any amount, and if the same is demonstrated, the petitioner shall be entitled to claim benefit of the same in the recovery proceedings.

9. The review petition is rejected subject to the aforementioned observations.

SD/-
(C.M. POONACHA)
JUDGE

ND
List No.: 1 SI No.: 20