IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 36126 OF 2024 (GM-RES)

BETWEEN:

SMT. JAYALAKSHMI
W/O THAMMANNA
AGED ABOUT 73 YEARS
R/AT NO.55, SANTHEMOGENHALLAI
AKKURU POST, VIRUPAKSHIPURA
CHANNAPATNA TALUK
RAMANAGARA-562 138

…PETITIONER

(BY SRI. VINOD KUMAR M., ADVOCATE)

AND:

CAN FIN HOMES LTD
NON BANKING FINANCE COMPANY
INCORPORATED UNDER COMPANIES ACT 1956
REGULATED UNDER THE PROVISION OF
THE NATIONAL HOUSING BANK ACT 1987
HAVING ITS BRANCH OFFICE AT
BIDADI BRANCH
SIR ANNAPOORNESHWARI COMPLEX
ABOVE CANARA BANK, BGS RODA
BIDADI, BENGALURU
REP. BY ITS AUTHORIZED OFFICER

…RESPONDENT

(BY SRI.NARAYANA SWAMY.D., C/RESPONDENT)

Digitally signed by SHWETHA RAGHAVENDRA
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF MANDAMUS DIRECTING THE RESPONDENT BANK TO OPEN THE LOCK AND HAND OVER

THE POSSESSION OF THE PROPERTY OF THE PETITIONER SITUATED AT NO.152900101400320110, MEASURING 161.55 SQ.MTRS., SITUATED AT SANTHEMOGENAHALLI VILLAGE, KUDLURU GRAMA PANCHAYATH, KASABA HOBLI, CHANNAPATNA TALUK, RAMANAGARA DISTRICT TO THE PETITIONER.

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

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned counsel for respondent submits that the due as on today is Rs.29,22,289/- and if an amount of Rs.8,50,000/- is paid, the said account would be regularized and the possession of the property which had been taken over by respondent-Bank would be handed over to the petitioner, subject to the petitioner making payment of the further loan installments on time.

2. Learned counsel for the petitioner submit that the petitioner would make payment of sum of Rs.5 lakhs within four weeks' form today i.e., on or before 30.1.2025 and further sum of Rs.5 lakhs by 28.2.2025.

3. Taking into consideration of the said submission, if the said amounts are paid, then the account would stand regularized requiring the respondents to restore the possession to the petitioner.

4. With the above observation, the petitioner stands ***disposed of.***

5. Needless to say, in the event of the petitioner making payment of the aforesaid amounts before 28.2.2025, the account standing regularized, the respondent-Bank would be required to handover the possession of the premises to the petitioner.

6. Further needless to say, that the petitioner would have to make payment of the regular installments, so has not to be in default.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 3 Sl No.: 17