HC-KAR

NC: 2026:KHC:64115
WP No. 2495 of 2024

CNR: KAHC010023512024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO.2495 OF 2024 (GM-DRT)

BETWEEN:

1 SMT. PRAVEENA U HEGDE
W/O NAGENDRA N,
AGED ABOUT 48 YEARS,
R/AT NO.126, GANESH MANDIR,
2ND BLOCK, THYAGARAJANAGAR,
BENGALURU - 560 028

...PETITIONER

(BY SRI. V B RAVISHANKER, ADVOCATE)

AND:

1. SMT. B YASHODHA
D/O K. BALAKRISHNA,
AGED ABOUT 30 YEARS,
R/AT NO.151/2, 26TH CROSS,
6TH BLOCK, JAYANAGAR,
BENGALURU - 560 041

REPRESENTED BY HER GPA HOLDER
SRI. LAKSHMINARASIMHA MURTHY,
S/O LATE N. KRISHNAPPA,
AGED ABOUT 60 YEARS,
NO.248, 6TH MAIN, 4TH BLOCK,
JAYANAGAR, BENGALURU - 560 011

2. HANUMANTHANAGAR CO-OPERATIVE
BANK LTD.,
NO.7/29, 3RD MAIN ROAD,
1ST CROSS ROAD,
HANUMANTHANAGARA,

Digitally signed by
PAVITHRA B
Location: HIGH
COURT OF
KARNATAKA

BENGALURU - 560 019
REPRESENTED BY ITS MANAGER
SRI. BOREGOWDA
S/O LATE GAVIGOWDA

…RESPONDENTS

(BY SRI. CYRIL PRASAD PAIS, ADVOCATE FOR R1;
SRI. A DEVARAJA, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI AND QUASH THE ORDER DATED 24/11/2023 IN SA NO.287/2022 FILED BY 1ST RESPONDENT AT ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

1. The petitioner is before this Court calling in question the order dated 24.11.2023 passed by the Debts Recovery Tribunal-II, Bengaluru, in SA.No.287/2022 at Annexure-A.

2. Apart from the other grounds urged in the writ petition, the principal contention of the learned counsel for the petitioner is that the Tribunal has passed the impugned order without effecting service of notice upon the petitioner.

3. In view of the aforesaid categorical submission of learned counsel for the petitioner that the Tribunal has not issued notice to the petitioner prior to passing the impugned order, learned counsel appearing for respondent No.1 was called upon to produce the necessary documents or the order sheet to establish that notice of the proceedings had been served upon the petitioner herein. In furtherance of the aforesaid order, learned counsel appearing for respondent No.1 has filed a memo dated 12.11.2026, enclosing therewith copies of the postal acknowledgments relating to the service of notice on the petitioner as well as respondent No.2. In response to the same, learned counsel appearing for the petitioner has filed a rejoinder contending that the notice of the proceedings was issued on 29.08.2022, calling upon the petitioner to appear before the Tribunal on 01.09.2022, and the postal article containing the notice of the proceedings was served upon the petitioner on 01.09.2022. Therefore, the petitioner cannot reasonably be expected to appear before the Tribunal on the very same day on which the notice was served. It is his submission that the impugned order is in violation of the principles of natural justice and requires to be set at naught.

4. It is noticed that the impugned order dated 24.11.2023 was passed more than one year after the date of service of notice. Upon receipt of the notice of the proceedings on 01.09.2022, it was incumbent upon the petitioner to either approach the office of the Tribunal or engage a counsel for appearing before the Tribunal on a subsequent date. In addition to the above, it is seen that the petitioner had filed an application for certified copy of the impugned order dated 24.11.2023 before the Tribunal on 28.11.2023, and the certified copy was received on 02.12.2023. If the petitioner was not aware of the proceedings before the Tribunal, under what circumstances could the petitioner have filed an application for certified copy of the impugned order within four days from the date of the order passed by the Tribunal remained unanswered.

5. It is the submission of the learned counsel for the petitioner that the instant writ petition has been filed on the ground that the impugned order was passed without effecting service of notice on the petitioner. However, it is now demonstrated that the Tribunal had issued notice to the petitioner prior to passing the impugned order and the said

notice was duly served upon the petitioner on 01.09.2022. Hence, the instant writ petition challenging the impugned order on the ground of violation of the principles of natural justice cannot be entertained, and the petitioner will have to avail himself of the statutory remedy of appeal before the Debt Recovery Appellate Tribunal in accordance with law.

6. In the result, I pass the following:

ORDER

(i) The writ petition is rejected;

(ii) The petitioner is at liberty to avail himself of the statutory remedy of appeal under Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, before the Debt Recovery Appellate Tribunal;

(iii) Since the petitioner is prosecuting the instant writ petition from 10.01.2024 till this day, the period spent by the petitioner in prosecuting the instant writ petition shall be excluded while computing the period of limitation, in the event the petitioner files an appeal within a period of two weeks from today. Since the petitioner has the benefit of the interim order of *status quo* from the inception till this day, the same arrangement shall continue for a period of four weeks from today. It is made clear that, in the

event the petitioner does not prefer an appeal within a period of two weeks from today, the interim protection, which is continued for a period of four weeks, would not continue after the expiry of two weeks;

(iv) All the contentions of the parties are kept open. The observations made in this order are confined only for the purpose of disposal of the instant writ petition, and the same cannot be construed as an opinion on the merits of the matter.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

hkh.
List No.: 1 Sl No.: 31