HC-KAR
NC: 2026:KHC:60613
WP No. 4123 of 2024
CNR: KAHC010070412024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.4123 OF 2024 (GM-DRT)

BETWEEN:

M/S. SRI GOWRI CASHEWS
PROP: MR. MOHANDAS HEGDE
S/O LATE K.S. HEGDE
AGED ABOUT 59 YEARS,
R/AT KUDRUBEEDU, SHEDIMANE,
KUNDAPURA TALUK,
UDUPI DISTRICT 576212. …PETITIONER

(BY SRI. RAJENDRA M.A., ADVOCATE)

AND:

THE AUTHORIZED OFFICER
BANK OF BARODA
ARADI BRANCH, S.K. ROAD,
ARADI, HEBRI TALUK,
UDUPI DISTRICT 576212
REP. BY ITS GENERAL MANAGER. …RESPONDENT

(BY SMT. RAJITHA T.O., ADVOCATE)

Digitally signed by
MAHALAKSHMI B M
Location: High Court
of Karnataka

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 24.01.2024 PASSED BY THE HON'BLE PRL. SENIOR CIVIL JUDGE AND CJM, UDUPI IN CRL.MISC.NO.12/2024 AS (ANNEXURE-A) SINCE THERE IS A GROSS VIOLATION OF PROVISIONS OF THE ACT AND SUBSTANTIAL QUESTION OF LAW, IS ALSO INVOLVED, WHICH THE HON'BLE PRL. SENIOR CIVIL JUDGE AND CJM, AT UDUPI, FAILED TO CONSIDER WHILE PASSING THE IMPUGNED ORDER AND ETC.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

1. The petitioner impugns the order dated 24.01.2024 passed by the Principal Senior Civil Judge and CJM, Udupi in Crl. Misc. No.12/2024, whereby the proceedings initiated by the respondent-Bank under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**the Act**] came to be allowed.

2. The proceedings initiated constitute an appealable measure under Section 17 of the Act. In view of the efficacious alternative remedy available to the petitioner, this Court is not inclined to entertain the writ petition.

3. The Hon'ble Supreme Court, in a catena of decisions, including **United Bank of India v. Satyawati Tondon and Others**[1] and **PHR Invent Educational Society v. UCO Bank and Others**[2]**,** has repeatedly cautioned the High Courts against entertaining

[1] (2010) 8 SCC 110
[2] (2024) 4 SCC 579

petitions under Article 226 of the Constitution of India in matters arising under the Act when the aggrieved person has an effective statutory remedy before the Tribunal.

4. In light of the alternate efficacious statutory remedy available to the petitioner, the writ petition is ***dismissed*** with liberty to the petitioner to approach the Tribunal in accordance with law.

5. The time spent by the petitioner before this Court is made available to him under Section 14 of the Limitation Act, 1963.

Sd/-

JUDGE

JUSTICE K.S. HEMALEKHA

MBM
List No.: 1 Sl No.: 4