HC-KAR

NC: 2026:KHC:54773
WP No. 5509 of 2024

CNR: KAHC010096622024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 5509 OF 2024 (GM-RES)

BETWEEN:

1. M/S. DURVESH ASSOCIATES
(PROPRIETARY CONCERN)
NEAR CHETAN GARAGE
KHATA NO. 9/25
AUTO COMPLEX ROAD
KIADB AUTO COMPLEX
SHIVAMOGGA-577 204
REPTD. BY ITS PROPRIETOR
MR. MOHAMMED RAFEEQ

2. MR. MOHAMMED RAFEEQ
S/O ABDUL HAMEED SAB
AGED ABOUT 42 YEARS
R/O LEFT SIDE TIPPU NAGAR
1ST CROSS, 100 FEET
MANJUNATH EXTENSION
NEW MANDILI, SHIVAMOGGA
SHIVAMOGGA DISTRICT-577 202
PROPRIETOR
M/S. DURVESH ASSOCIATES

3. MRS. HALEEMUNNISA
W/O S R ABDUL KHALAQ
AGED ABOUT 72 YEARS
MIG 171/C, GANGA NILAYA
2ND STAGE, KALLAHALLI
SHIVAMOGGA
SHIVAMOGGA DISTRICT-577 201

Digitally signed by
PAVITHRA B
Location: HIGH
COURT OF
KARNATAKA

4. MR S K JAVEED AHMED
S/O S R ABDUL KHALAQ
AGED ABOUT 49 YEARS
R/O "ALMAS MANZIL"
3RD CROSS, 1ST STAGE
RML NAGAR, DODDAPET, SHIVAMOGGA
SHIVAMOGGA DISTRICT-577 204

5. MR S K NISAR AHEMD
S/O S R ABDUL KHALAQ
AGED ABOUT 52 YEARS
R/AT NO. 163/1, CHALUKYANAGAR
GOPALA EXTENSION, SHIVAMOGGA
SHIVAMOGGA DISTRICT-577 205

…PETITIONERS

(BY SRI: RAJENDRA S, ADVOCATE)

AND:

THE IDBI BANK LTD
VEERABHADRESHWARA COMPLEX
NEAR MANTAPA CLINIC
KUVEMPU ROAD, SHIVAMOGGA
SHIVAMOGGA DISTRICT-577 201
BY ITS THE AUTHORIZED OFFICER

…RESPONDENT

(BY SRI: T P MUTHANNA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICES DATED 05.12.2023 VIDE ANNEXURE-G AND G1 TO THE WRIT PETITION ISSUED BY THE RESPONDENT BANK AND PURSUANT TO THE NOTICES ISSUED BY THE RESPONDENT DATED 05.12.2023 VIDE, ANNEXURE-G AND G1 TO THE WRIT PETITION.

THIS WRIT 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

This petition is filed challenging the possession notices dated 05.12.2023 at Annexures-G and G1 issued by the respondent - Bank.

2. At the time of entertaining the petition, this Court passed the interim order dated 21.02.2024 staying the impugned notices and all further proceedings subject to the petitioners depositing 20% of the outstanding loan amount within six weeks. By a subsequent order dated 15.04.2024, the earlier interim order was modified and the petitioners were directed to deposit 30% of the outstanding amount within 12 weeks and another 30% in instalments of a span of 4 weeks each.

3. Today, when the matter was taken up for consideration, learned counsel for the respondent - Bank submits that the petitioners have not complied with the interim

orders, on account of which, the respondent - Bank issued sale notice on 19.02.2026, which was again challenged by filing SA No.158 of 2026 before the DRT, which came to be dismissed by order dated 14.07.2026. Thereafter, the property was brought to sale through a sale Notification. Since there were no bidders, the sale did not take place.

4. In the light of the aforesaid subsequent developments, the prayer sought in the present petition does not survive for consideration and no further orders are required. Moreover, the interim order passed in this petition has not been complied.

Accordingly, the writ petition is ***dismissed.***

Sd/-
(T.P.VIVEKANANDA)
JUDGE

BGN
List No.: 1 Sl No.: 37