HC-KAR

NC: 2026:KHC:55239
WP No. 9390 of 2024

CNR: KAHC010179972024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO.9390 OF 2024 (GM-RES)

BETWEEN:

MRS. GODHA KRISHNA PRASAD H.V.
W/O MR. KRISHNA PRASAD M.V.
AGED ABOUT 59 YEARS,
R/AT 116/5-1, 11TH CROSS,
MALLESHWARAM,
BENGALURU-560003.

...PETITIONER

(BY SRI. SOMASHEKARA K.M., ADVOCATE)

AND:

1. HOUSING DEVELOPMENT FINANCE
CORPORATION LIMITED (HDFC BANK)
NO.51,KASTURBA ROAD
BENGALURU-560001
REP. BY ITS AUTHORISED OFFICER.

2. THE BRANCH MANAGER
HOUSING DEVELOPMENT FINANCE
CORPORATION LIMITED (HDFC) BANK
NO.51, KASTURBA ROAD
BENGALURU-560001.

3. UNION BANK OF INDIA
MALLESHWARAM BRANCH,
NO.116, 11TH CROSS ROAD,
MALLESHWARAM,
BENGALURU-560003
REP. BY BRANCH MANAGER.

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

(R-3 IS IMPLEADED VIDE
COURT ORDER DATED 08.04.2024)

…RESPONDENTS

(BY SRI. FRANCIS XAVIER, ADVOCATE FOR C/R-1 & R-2;
SRI. VIGNESH SHETTY, ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE TO TAKE POSSESSION OF THE SECURED ASSETS DATED 14.03.2024 ISSUED BY THE 1ST RESPONDENT IN RESPECT OF SCHEDULE PROPERTY VIDE ANNEXURE-M AND CONSEQUENTLY, DIRECT THE RESPONDENTS-BANK TO REGULARISE THE LOAN ACCOUNTS OF THE PETITIONERS VIDE NOS. 634625654, 636261359, 636512012 & 637486037 RESPECTIVELY AND ETC.

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 has filed the present petition impugning the notice issued under sub-Section (8) of Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**SARFAESI Act**] and consequently, seeking a direction to respondent No.1-Bank to regularise the loan accounts of the petitioner.

2. The learned counsel for the petitioner fairly submits that, subsequent to the filing of the present petition, respondent No.1-

Bank had issued a public auction notice, which has been assailed by the petitioner before the Debts Recovery Tribunal [**DRT**] under Section 17 of the SARFAESI Act and the same has been numbered as Diary No.919/2026.

3. In view of the above, as the petitioner has already challenged the auction proceedings before the DRT and the said proceedings are pending consideration, nothing survives for consideration in the present petition. Accordingly, the petition is ***dismissed.***

Sd/-

JUSTICE K.S. HEMALEKHA

MBM
List No.: 1 Sl No.: 29