HC-KAR



CNR: KAHC010189952024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19TH DAY OF NOVEMBER, 2026**

**BEFORE**

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

**WRIT PETITION NO. 10050 OF 2024 (GM-DRT)**

**BETWEEN:**

SRI K L MUDALAGIRIYAPPA
S/O LATE ELEVEGOWDA,
AGED ABOUT 80 YEARS,
RESIDING AT NO 278/A,
10TH CROSS 2ND STAGE,
MILK COLONY, MALLESHWARAM,
BENGALURU - 560 055

...PETITIONER

(BY SRI. MANJUNATH R.P., ADVOCATE)

**AND:**

Digitally signed by PAVITHRA B
Location: HIGH COURT OF KARNATAKA

THE AUTHORIZED OFFICER
JANATHA COOPERATIVE BANK LIMITED,
ADMINISTRATIVE OFFICE,
CHIEF EXECUTIVE OFFICER,
8TH MAIN, 17TH CROSS,
MALLESHWARAM,
BENGALURU - 560 055

...RESPONDENT

(BY SRI. K.V. LOKESH, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 22/03/2024 ONE PASSED BY THE XXXIX ADDL. CHIEF METROPOLITAN MAGISTRATE IN CRIMINAL MISCELLANEOUS NO. 2241/2023 VIDE ANNEXURE-A ETC.

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

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

**ORAL ORDER**

The learned counsel appearing for the petitioner submits that the petitioner would approach the Debt Recovery Tribunal (for short 'the DRT') under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act'), challenging the impugned action of the respondent-Bank.

2. The submission is placed on record.

3. Accordingly, the writ petition is ***dismissed as withdrawn.***

4. However, it is clarified that the time spent by the petitioner in prosecuting this petition from 25.03.2024 till date shall be excluded while computing the period of limitation for filing an appeal under Section 17 of the SARFAESI Act.

5. The petitioner had the benefit of the interim relief from 10.04.2024. The said interim protection is extended for a further period of 3 weeks, subject to the petitioner approaching the DRT within a period of 2 weeks.

6. If no appeal is filed within 2 weeks before the DRT, the interim protection so extended would not enure to the benefit of the petitioner.

7. The interim protection granted by this order is only limited for a period of 3 weeks. If any further interim protection required beyond 3 weeks, the petitioner shall seek such relief before the DRT.

8. In view of the dismissal of the main petition, I.A.No.1/2024 does not survive for consideration.

**Sd/-**
**(T.P.VIVEKANANDA)**
**JUDGE**

SMC
List No.: 1 Sl No.: 8