HC-KAR

NC: 2026:KHC:60459
WP No. 12535 of 2024

CNR: KAHC010266822024

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

**DATED THIS THE 30TH DAY OF OCTOBER, 2026**

**BEFORE**

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

**WRIT PETITION NO. 12535 OF 2024 (GM-DRT)**

**BETWEEN:**

1. SMT. K. PREMAKUMARI,
   W/O LATE MALLIKARJUNA SWAMY,
   AGED ABOUT 57 YEARS,

2. SRI. NAVEEN KUMAR,
   S/O LATE MALLIKARJUNA SWAMY,
   AGED ABOUT 36 YEARS,

   BOTH ARE RESIDING AT,
   KATHA NO.D4/755/2736/A,
   PID NO.18-01-504-173A,
   WARD NO.18, SITUATED AT NO.1,
   4TH CROSS, GANDHI NAGARA,
   MANDYA DISTRICT - 571 401.

...PETITIONERS

(BY SRI. HARSHA KUMAR GOWDA H R., ADVOCATE)

Digitally signed by PREMCHANDRA M R
Location: HIGH COURT OF KARNATAKA

**AND:**

CENTRAL BANK OF INDIA,
MANDYA BRANCH,
NO.5, 28 1121 3,
3RD MAIN ROAD,
ASHOK NAGARA,
MANDYA - 571 401.

REPRESENTED BY ITS MANAGER.
(CONSTITUTED UNDER THE
BANKING COMPANIES
(ACQUSITION AND TRANSFER
OF UNDER TAKINGS ) ACT, 1970).

…RESPONDENT

(BY SRI. Y.P.GOKUL., ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT TO QUASH THE EVICTION NOTICE DATED 20.04.2024 ISSUED BY THE RESPONDENT BANK PRODUCED AT ANNEXURE - D AND 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 challenge made in the present writ petition is to the order of eviction dated 20.04.2024 issued by the respondent-bank.

2. This Court passed an interim order on 30.04.2024, staying the impugned eviction notice subject to the petitioner depositing with the respondent-bank 50% of the amount outstanding, namely, Rs.16,87,108.98.

3. Learned counsel for the respondent-Bank has informed this Court that even prior to filing of the present writ petition, the petitioners have availed the remedy of appeal before the Debts Recovery Tribunal by filing S.A.No.270/2026 on 24.04.2026 itself. Added to the same, the interim order passed by this Court in the present writ petition has not been complied with. It is his submission that in the light of petitioners availing the alternative remedy of appeal before the DRT, the present writ petition challenging the very same eviction notice is not maintainable.

4. Learned counsel for the petitioners submit that he has no instructions about the filing of the appeal before the DRT. However, he submits that since the petitioners have already availed the remedy of appeal before the DRT, the present writ petition may be disposed of, permitting the petitioners to prosecute the pending appeal before the DRT.

5. Taking note of the aforesaid submission, the writ petition is dismissed. However, it is open to the petitioners to prosecute the appeal which is pending before the DRT, in accordance with law.

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

PSJ
List No.: 1 Sl No.: 24