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

**DATED THIS THE 21ST DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 25831 OF 2025 (GM-DRT)**

**C/W**

**WRIT PETITION NO. 5235 OF 2024 (GM-DRT)**

**IN WP No. 25831/2025**

**BETWEEN:**

1. MR. SREEKANTH R.,
   S/O MR. HONNEGOWDA RAMESH
   AGED ABOUT 35 YEARS

2. MRS. ARPANA
   W/O MR. SREEKANTH R
   AGED ABOUT 34 YEARS

   BOTH ARE R/AT NO. 143/1,
   4TH MAIN ROAD, 8TH CROSS,
   NEAR SHANTHI UPAHARA HOTEL
   CHAMARAJPET
   BENGALURU – 560 018

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

…PETITIONERS

(BY SRI. ANANDA H.J., ADVOCATE)

**AND:**

NAVI FINSERV LIMITED
REGISTERED UNDER BANKING ACT,
REPRESENTED BY ITS AUTHORIZED OFFICER,
REGISTERED OFFICE, 2ND FLOOR,
VAISHNAVI TECH SQUARE,
IBALLUR VILLAGE, BEGUR HOBLI

BENGALURU – 560 102

…RESPONDENT

(BY SRI. ADIT NILESH SHAH, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED POSSESSION NOTICE DATED 01.08.2025 ISSUED BY THE RESPONDENT VIDE AT ANNEXURE-A.

**IN WP NO. 5235/2024**

**BETWEEN:**

1. MR. SREEKANTH R.,
   S/O MR.HONNEGOWDA RAMESH
   AGED ABOUT 34 YEARS

2. MRS. ARPANA
   W/O MR. SREEKANTH R.,
   AGED ABOUT 33 YEARS

   BOTH ARE R/AT NO.143/1
   4TH MAIN ROAD, 8TH C ROSS
   NEAR SHANTHI UPAHARA HOTEL
   CHAMARAJAPET
   BENGALURU -560 018

...PETITIONERS

(BY SRI. H.J.ANANDA, ADVOCATE)

**AND:**

M/S NAVI FINSERV LIMITED
REPRSENTED BY ITS
AUTHORIZED OFFICER
REGISTERED OFFICE
2ND FLOOR, AMR TECH PARK
HONGASANDRA VILLAGE
HOSUR ROAD
BENGALURU -560 068

...RESPONDENT

(BY SRI. ADIT NILESH SHAH, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED NOTICE DATED 13.2.24 ISSUED BY THE RESPONDENT VIDE AT ANNEXURE-A.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

## ORAL ORDER

WP.No.25831/2025 is filed seeking the following prayer:

***"Wherefore, the petitioners most respectfully pray that, this Hon'ble court may be pleased to:***

***(i) Issue a writ of Certiorari to quash the impugned possession notice dated 01/08/2025 issued by the respondent vide at ANNEXURE-A in the interest of justice and equity***

***(ii) To pass any appropriate orders as this Hon'ble court may deem fit in the facts and circumstances of the case including the cost of this writ petition in the interest of justice and equity."***

2. WP.No.5235/2024 is filed seeking the following prayer:

***"Wherefore, the petitioners most respectfully pray that, this Hon'ble court may be pleased to:***

***(i) Issue a writ of Certiorari to quash the impugned notice dated 13/02/2024 issued by the respondent vide at ANNEXURE-A in the interest of justice and equity***

***(ii) To pass any appropriate orders as this Hon'ble court may deem fit in the facts and circumstances of the case including the cost of this writ petition in the interest of justice and equity."***

3. The writ petitions are filed against Navi Finserv Limited which is a private finance company. In the light of the law laid

down by the Apex Court in case of ***Phoenix Arc Private Limited Vs. Vishwa Bharati Vidya Mandir and Others***[1], the writ petition against private finance company is not maintainable. Hence, this Court is passing the following:

**ORDER**

i. Accordingly, both the writ petitions are ***disposed of*** giving liberty to the petitioners to avail appropriate remedy before the Debts Recovery Tribunal.

ii. The petitioners shall have the benefit of Section 14 of the Limitation Act.

iii. A Co-ordinate Bench of this Court had granted interim order, it shall be in force for a period of four weeks from the date of receipt of copy of the order.

iv. All I.As. in this petition shall stand closed.

**SD/-**
**(LALITHA KANNEGANTI)**
**JUDGE**

MEG
List No.: 1 Sl No.: 30

[1] (2022) 5 SCC 345