HC-KAR
NC: 2026:KHC:62000
WP No. 27098 of 2024
CNR: KAHC010578622024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE B.PRAMOD

WRIT PETITION NO. 27098 OF 2024 (GM-RES)

BETWEEN:

1. M/S A.V. INFOSTRUCTURE
PROP MR.VIJAY KUMAR R
NO.192, 12TH BLOCK,
1ST MAIN, NAGARBHAVI,
BENGALURU-560072.
REPRESENTED BY ITS PROPRIETOR,
VIJAYKUMAR R

2. MR.VIJAY KUMAR R
S/O S Y RAMESH
NO.5/34, BYATARAYANAPURA
NEAR TRAFFIC POLICE STATION,
5TH CROSS, BENGALURU-560026

...PETITIONERS

(BY SRI. KARUNAKARA P.,ADVOCATE)

AND:

UNION BANK OF INDIA
HAVING ITS REGISTERED OFFICE,
ASSET RECOVERY BRANCH,
BANGALORE NORTH
NO.635C (NEW NO 25/2),
1ST MAIN ROAD, E BLOCK,
2ND STAGE, RAJAJINAGAR,
DR. RAJKUMAR ROAD,
BENGALURU-560010.

...RESPONDENT

Digitally signed by SHARADAVANI B
Location: HIGH COURT OF KARNATAKA

(BY MISS. PREETHU R., ADVOCATE FOR;
SRI. VIGNESH SHETTY, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE POSSESSION ORDER DTD. 05.09.2024 PASSED BY THE 46TH ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BENGALURU IN CRL.MIS.NO.5607/2024 PRODUCED AT ANNX-A AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B.PRAMOD

ORAL ORDER

In the present writ petition, the petitioners have called in question the possession order dated 05.09.2024 passed by the XLVI Additional Chief Judicial Magistrate, Bengaluru, in Criminal Miscellaneous No.5607/2024 at Annexure-A and have also sought a direction to restore physical possession of the secured asset.

2. This Court, by interim order dated 30.09.2024, directed the respondent-Bank to re-deliver physical possession of the secured asset to the petitioners, subject to the petitioners depositing a sum of Rs.50,00,000/- forthwith.

3. Learned counsel appearing for the respondent-Bank submits that the petitioners have failed to comply with the condition stipulated in the aforesaid interim order dated 30.09.2024, despite the lapse of more than two years from the date of the said order.

4. Learned counsel appearing for the petitioners submits that he has received no instructions from the petitioners subsequent to the passing of the interim order.

5. It is not in dispute that the petitioners have failed to deposit the sum of Rs.50,00,000/- as directed

by this Court under the interim order dated 30.09.2024. Despite the lapse of more than two years from the date of the said order, the petitioners have neither complied with the condition imposed therein nor taken any steps to prosecute the matter further. Coupled with the submission of learned counsel for the petitioners that he has received no further instructions, it is evident that the petitioners are not diligent in prosecuting the writ petition. In such circumstances, no further indulgence is warranted.

6. Accordingly, the writ petition stands dismissed. However, it is made clear that dismissal of the present writ petition shall not preclude the petitioners from challenging the impugned order at Annexure-A before the competent forum by availing themselves of such statutory remedy as may be available in law, if so

advised, subject to limitation and other requirements prescribed under law.

No order as to costs.

Sd/-
(B.PRAMOD)
JUDGE

MKM
List No.: 1 Sl No.: 19