HC-KAR

CNR: KAHC010643412026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT APPEAL NO.2135 OF 2026 (GM-DRT)

BETWEEN:

SRI. N.G. CHANDREGOWDA
S/O LATE GUNDEGOWDA,
AGED ABOUT 69 YEARS,
NO.23, 2ND CROSS, THUNGA ROAD,
RAGHAVENDRA NAGAR,
VTC SIDDHARTH NAGAR,
MYSURU - 570011.

…APPELLANT

(BY SRI. VINAYAK VAMANRAO KULKARNI, ADVOCATE)

AND:

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

1. RECOVERY OFFICER-1
   DEBT RECOVERY TRIBUNAL-II,
   KARNATAKA, AT BENGALURU
   NO.4, RESIDENCY ROAD,
   LIC JEEVAN MANGAL BUILDING,
   HAYES ROAD, BENGALURU - 560 025.

2. THE MANAGER,
   KOTAK MAHINDRA BANK LIMITED,
   1ST FLOOR, CEEBROS CENTRE,
   NO.39, MONITETH ROAD, EGMORE,
   CHENNAI - 600 048.

3. THE MANAGER
   STATE BANK OF INDIA,
   SUB DIVISION, NO.22, J.C. ROAD,
   BENGALURU - 560002.

4. M/S. KAMADHENU LEATHER
FASHIONS PRIVATE LIMITED,
HAVING ITS REGISTERED OFFICE AT NO.554,
10TH CROSS, 14TH MAIN,
PADMANABHANAGAR,
BENGALURU - 560 070
COMPANY UNDER LIQUIDATION,
NOW REPRESENTED BY ITS
OFFICIAL LIQUIDATOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560002.

5. SRI M.R. HARISH
S/O LATE SRI M.A. RAMASWAMY,
MAJOR, DIRECTOR
M/S. KAMADHENU LEATHER
FASHIONS PRIVATE LIMITED,
NO.554, 10TH CROSS, 14TH MAIN,
PADMANABHANAGAR,
BENGALURU - 560 070.

6. SRI G. ANANDHAN
S/O LATE M. GOVINDARAJU,
MAJOR, DIRECTOR,
M/S. KAMADHENU LEATHER
FASHIONS PRIVATE LIMITED,
NO.344, MANIKA PANDITER STREET,
NEW TON, VANIYAMBADI, N.A. DISTRICT
TAMIL NADU - 635751.

7. SMT. SAROJA HARISH
W/O M.R. HARISH,
MAJOR, DIRECTOR
M/S. KAMADHENU LEATHER
FASHIONS PRIVATE LIMITED,
NO.554, 10TH CROSS, 14TH MAIN,
PADMANABHANAGAR,
BENGLAURU - 56 070.

8. INSPECTOR OF POLICE
BANASHANKARI POLICE STATION,
BENGALURU CITY POLICE,
BENGALURU.

…RESPONDENTS

(BY SRI. M.J. ACHALANAND, ADVOCATE FOR C/R-2;
SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-8)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 28.07.2026 PASSED IN W.P.NO.7749/2025 (GM-DRT) AND CONSEQUENTLY ALLOW THE WRIT APPEAL IN THE INTEREST OF JUSTICE AND ETC.,

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning the order dated 28.07.2026 [**impugned order**] passed by the learned Single Judge of this Court in W.P. No.7749/2025 (GM-DRT).

2. The appellant had filed W.P. No.14159/2024 (GM-RES) aggrieved by the order dated 07.05.2024 passed by the Recovery Officer-1, Debts Recovery Tribunal-2. By virtue of the said order, the Recovery Officer had appointed the Advocate Commissioner / Receiver to take physical possession of the residential site and house building property bearing No.554, 14th Main, 10th Cross, Kadirenahalli Layout, Padmanabhanagar, BSK-II Stage, Bengaluru

– 560 070 [**subject property**]. On 20.06.2024, this Court disposed of W.P.No.14159/2024 (GM-RES) reserving liberty to the appellant to pursue the available alternate remedy.

3. Respondent No.2 [**Kotak Mahindra Bank**] claimed that it held security interest in the subject property by virtue of its status as the assignee of respondent No.3 [**State Bank of India**]. The Advocate commissioner appointed by the Recovery Officer issued a notice dated 01.03.2025, which was impugned by the appellant in W.P. No.7749/2025 (GM-DRT).

4. The appellant claims to be the lawful owner of the subject property, which was acquired by his father during his lifetime. However, Kotak Mahindra Bank claims that the subject property was mortgaged to State Bank of India prior to the execution of the sale deed in favour of the appellant's father.

5. The State Bank of India initiated proceedings against the borrowers before the Debts Recovery Tribunal [**DRT**] (OA No.907/1996) which was allowed by the DRT by an order dated 31.10.2001. Subsequently, the State Bank of India assigned its financial assets to Kotak Mahindra Bank. Thereafter, Kotak

Mahindra Bank pursued the recovery proceedings in respect of the amount due from the borrower.

6. It is stated that, apart from the subject property, another immovable property bearing Door No.344, T.S. No.87 Part, Block No.11, Ward No.6, Gandhinagar, Vaniambadi Town, N.A. Ambedkar District [**Item No.1**] had been mortgaged by the borrower. The said property was auctioned and the sale proceeds were adjusted against the outstanding loan amount. According to Kotak Mahindra Bank, the sale proceeds did not satisfy the outstanding dues and therefore, the subject property was also required to be proceeded against for recovery of the balance amount.

7. The learned Single Judge, by the impugned order dated 28.07.2026, declined to entertain the writ petition considering that the appellant had a statutory remedy available against any order passed by the Recovery Officer or the DRT.

8. This Court is informed that the appellant has not only taken steps to appeal the order of the Recovery Officer before the DRT but has also instituted a separate suit.

9. In view of the above, we find no infirmity with the decision of the learned Single Judge in declining to entertain the writ petition.

10. The learned counsel appearing for the appellant submits that the appellant does not seek to challenge the recovery certificate or the steps taken to enforce the same in these proceedings. He submits that the appellant's limited grievance is that he has not been furnished with the accounts and, therefore, does not know to which extent, the recovery certificate has been satisfied from the sale proceeds of Item No.1 (the other mortgaged property) that was auctioned.

11. Although we find no ground to interfere with the impugned order, we consider it apposite to direct that in the event the appellant approaches the Recovery Officer seeking details of the outstanding amount, the Recovery Officer shall entertain the said request and provide the necessary details.

12. The appeal is dismissed, albeit with the aforesaid observations.

13. The pending interlocutory applications also stand disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

MBM
List No.: 1 Sl No.: 4