HC-KAR

NC: 2026:KHC:59446
WP No. 33231 of 2024

CNR: KAHC010712222024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO.33231 OF 2024 (GM-DRT)

BETWEEN:

1. SRI. DEVARAJA A
   S/O LATE ANAND RAJAN M
   AGE 47 YEARS
   R/AT NO. 38/1, 2ND FLOOR
   11TH CROSS, NEAR 81 BUS STOP
   L.N. PURA, SRIRAMPURAM
   BENGALURU-560 021

2. SRI. DINESH BABU A
   S/O LATE ANAND RAJAN M
   AGE 45 YEARS
   R/AT NO. 23, 1ST 'A' CROSS
   7TH MAIN, OPP:SANJEEVINI NURSING HOME
   GOUTHAM NAGARA
   BENGALURU-560 021

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

3. SRI. DILIP KUMAR A
   S/O LATE ANAND RAJAN M
   AGE 41 YEARS
   R/AT NO. 23, 1ST 'A' CROSS
   7TH MAIN, NEAR GANDHI SCHOOL
   GOUTHAM NAGARA
   BENGALURU-560 021

4. SMT. PRIYADARSHINI A
   D/O LATE ANAND RAJAN M
   AGE 44 YEARS
   R/AT NO. 3455, 6TH CROSS

GAYATHRI NAGARA
BENGALURU-560 021

5. SMT. NANDINI DEVI A
D/O LATE ANAND RAJAN M
AGE 40 YEARS
R/AT NO. 23, 1ST 'A' CROSS
7TH MAIN, OPP:SANJEEVINI NURSING HOME
GOUTHAM NAGARA
BENGALURU-560 021

…PETITIONERS

(BY SRI. VINAYA H, ADVOCATE)

AND:

THE BANGALORE CITY CO-OPERATIVE
BANK LTD.,
O/AT NO. 3, 1ST FLOOR
PAMPAHAKAVI ROAD
CHAMRAJPET
BANGALORE-560 018
REP. BY ITS AUTHORIZED SIGNATORY
REGISTERED UNDER BANKING
REGULATION ACT-1949.

…RESPONDENT

(BY SRI. LOKESH K.V, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ORDER DTD. 05.10.2024 PASSED BY THE XXXII ADDL. C.J.M BENGALURU IN CRL. MISC.NO. 6246/2024 VIDE ANNX-E.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

All the petitioners who are the borrowers of the respondent - Co-operative Bank have filed the present writ petition challenging the order dated 05.10.2024 passed by XXXII Addl. CJM, Bengaluru, in Crl.Misc.No.6246/2024 allowing the petition filed under Section 14 of the SARFESI Act permitting the respondent to take physical possession of the secured property.

2. This Court while entertaining the writ petition has granted interim order subject to the petitioners depositing 20% of the outstanding amount due as on the said day within four weeks, subject to which, the further proceedings pursuant to the order impugned has been stayed.

3. The learned counsel for the respondent has filed an application for vacating of the interim order. It is his contention that the petitioners have deposited 20% of the outstanding due in terms of the interim order passed by

this Court. However, no further payments have been made thereafter.

4. It is the contention of the learned counsel for the respondent that the challenge made in the present writ petition is to the order passed under Section 14 of the SARFESI Act, which is an appealable order before the Debt Recovery Tribunal and the writ petition is not maintainable.

5. Though, the matter called twice, there is no representation on behalf of the petitioners.

6. Taking note of the contentions advanced by the learned counsel for the respondent and the fact that the impugned order is an appealable order under Section 17 of the SARFESI Act before the Debt Recovery Tribunal, the present writ petition is not maintainable and accordingly, the petitioners will have to be relegated to file a statutory appeal under Section 17 of the SARFESI Act before the Debt Recovery Tribunal.

7. Accordingly, the writ petition is ***rejected***. However, the petitioners are at liberty to challenge the impugned order before the Debt Recovery Tribunal.

8. If an appeal under Section 17 of the SARFESI Act is filed within 4 weeks from today, the petitioners would be entitled to seek exclusion of the period spent before this Court in prosecuting this writ petition from reckoning of the limitation for filing of the appeal under Section 17 of the SARFESI Act. Since, the petitioners have the benefit of the interim order passed by this Court in the present writ petition, the respondent-Co-operative Bank shall not take any precipitative action for a period of 4 weeks from today.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PB
List No.: 1 Sl No.: 26