HC-KAR
NC: 2026:KHC:55702
WP No. 14796 of 2026
CNR: KAHC010329952026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 14796 OF 2026 (GM-DRT)

BETWEEN:

1. NAGARATHNAMMA
   W/O LATE S N YALAPPA,
   AGED ABOUT 68 YEARS,
   RESIDING AT NO. 1967-49
   1ST HOUSE 1ST CROSS,
   SS LAYOUT, NEAR SHARADHAMBA TEMPLE
   DAVANAGERE 577004

…PETITIONER

(BY SRI. K.P. BHUVAN ADVOCATE)

AND:

1. THE AUTHORISED OFFICER
   HINDUJA HOUSING FINANCE LTD.,
   1ST FLOOR, BANASHANKARI SQUARE,
   RING ROAD, DAVANAGERE 577006

2. HINDUJA HOUSING FINANCE LTD
   NO 318/9 AMV PLAZA,
   DAVANAGERE 577001
   NEAR POOJA HOTEL
   REP BY ITS REGIONAL MANAGER.

3. NAGESH S Y
   AGED ABOUT 40 YEARS,
   S/O LATE S N YALAPPA,
   R/AT NO. 3371-22, JYOTHI NILYA
   PAILWAN MALAPPA CROSS,
   15TH CROSS, 2ND MAIN,

VINOBHA NAGAR, DAVANAGERE 577003

…RESPONDENTS

(BY SRI. CHANDRASHEKAR S N.,ADVOCATE FOR R1 & R2 V/O DTD 14.5.2026
SRI SANTOSH R NELKUDRI, ADVOCATE FOR R3)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER PASSED ON 02.05.2026 IN CRL.MISC.NO. 326/2026 BEFORE THE PRL. SENIOR CIVIL JUDGE AND CJM AT DAVANAGERE OF THE SCHEDULE PROPERTY BELONGING TO THE PETITIONER VIDE ANNX-A.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

> *"a) Issue a writ in the nature of certiorari or any other appropriate writ/s or order/s quashing the impugned order passed on 02.05.2026 in Crl.Misc No.326/2026 before the Prl.Senior Civil Judge and CJM at Davanagere of the schedule property belonging to the petitioner vide Annexure-A;*
>
> *b) Pass any such other order/s as this Hon'ble Court deems fit to pass in the facts and circumstances of the case including costs of this petition."*

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2. It is clear that the petitioner seeks to impugn the order dated 02.05.2026 passed in Crl.Misc.No.326/2026 (Annexure-A to the writ petition), which is passed pursuant to an application made under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002[1]. In view of the fact that the petitioner has an alternate efficacious remedy under the provisions of the said Act, it is expedient that the relief sought for in the present writ petition not be adjudicated in the present proceedings.

3. At this juncture, learned counsel for the petitioner vehemently contends that the petitioner would regularise the outstanding amounts payable with respect to the credit facilities, which is stated to have been availed by the son of the petitioner, who is arrayed as respondent No.3 in the present writ petition.

4. Learned counsel for the petitioner further submits that pursuant to the proceedings initiated by the petitioner under the provisions of the Maintenance and Welfare of Parents

[1] Hereinafter referred to as 'SARFAESI Act'

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and Senior Citizens Act, 2007[2], the Assistant Commissioner has granted the reliefs as sought for by the petitioner.

5. The grievances as sought to be articulated in the present petition by the petitioner will not in any manner impede the respondent - bank in taking suitable measures under the provisions of the Act. In the event, the petitioner regularises the amounts availed from the respondent - bank, the same may be brought on record in the proceedings initiated by the petitioner under the provisions of the Senior Citizens Act.

6. Subject to the aforementioned, the writ petition stands dismissed.

7. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 60

[2] Hereinafter referred to as 'Senior Citizens Act'