HC-KAR

NC: 2026:KHC:55011
WP No. 23313 of 2022

CNR: KAHC010543052022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 23313 OF 2022 (GM-DRT)

BETWEEN:

1. MR SYED GHOUSE
   S/O MR SYED BASHEER AHMED
   AGED ABOUT 45 YEARS
   R/AT DOOR NO.25,
   HENA MANZIL HUDCO
   BANNIMANTAPA 2ND STAGE,
   OPP TO TIPPU MASQUE, MYSURU-570015.

   …PETITIONER

(BY SRI. VINOD PRASAD, ADVOCATE)

AND:

1. HOUSING DEVELOPMENT FINANCE
   CORPORATION LTD
   REG OFFICE AT RAMON HOUSES
   B T PAREKH MARG 169,
   BACKBAY RECLAMATION
   CHUREHGATE, MUMBAI-400020
   BY ITS MANAGING DIRECTOR

2. M/S HOUSING DEVELOPMENT FINANCE
   CORPORATION LTD
   NO.6, JTK EXTN, AADI CHUNCHANAGIRI ROAD,
   KUVEMPU NAGAR, MYSORE-570023
   BY ITS AUTHORIZED OFFICER

3. MOHAMMED SALAR
   S/O MR MOHAMED AMJAD HUSSAIN
   R/AT FLAT NO.B-201

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2ND FLOOR, KEERTHI ROYAL FORMS,
HOSUR ROAD, NXT TO BMW SHOWROOM
BANGALORE-560100.

…RESPONDENTS

(BY SRI. FRANCIS XAVIER, ADVOCATE FOR R1 AND R2;
SRI. MANAMOHAN .P.N, ADVOCATE FOR R3)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE R-2 BANK TO ACCEPT BALANCE OF LOAN AMOUNT FROM THE PETITIONER AFTER TRANSFERRING THE LOAN IN THE NAME OF THE PETITIONER; AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This writ petition is filed by the Agreement Holder seeking a writ in the nature of mandamus directing respondent No.2 to accept the balance loan amount and transfer the loan in the name of the petitioner.

2. The learned counsel appearing for the respondents - Bank submits that the bank has conducted an auction, the successful bidder has deposited the entire

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auction amount and the Sale Certificate was issued on 17.02.2023.

3. In the light of submission made by the learned counsel appearing for the respondent - Bank, this writ petition has been rendered infructuous.

Therefore, this writ petition is dismissed as having become infructuous.

However, this order will not come in the way of the petitioner in enforcing his right in the pending suit for specific performance.

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SACHIN SHANKAR MAGADUM
Verified

(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 Sl No.: 13