HC-KAR
CNR: KAHC010700582026

NC: 2026:KHC:56199
WP No. 31793 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 31793 OF 2026 (GM-DRT)

BETWEEN:

1. SRI H SUPRITH SHETTY
   S/O N SEETHARAM SHETTY
   AGED ABOUT 52 YEARS,

2. SMT. MALLIKA S SHETTY
   W/O H SUPRITH SHETTY,
   AGED ABOUT 44 YEARS
   BOTH ARE RESIDING AT PRASIDDI ENCLAVE,
   NO. 46 AND 47,
   SF-01, 12TH A CROSS
   GANGAMMA GARDEN,
   MAALAGALA VISWANEEDAM POST
   BENGALURU - 560091

...PETITIONERS

(BY SRI. GIREESHA KODGI.,ADVOCATE)

AND:

1. M/S HINDUJA HOUSING FINANCE
   REGISTERED OFFICE AT
   167-169, 2ND FLOOR, ANNA SALAI,
   SAIDA PET CHENNAI - 600015
   (A COMPANY REGISTERED UNDER
   THE COMPANIES ACT)
   BRANCH OFFICE AT
   NO.50, 4TH FLOOR, VINAY ARCADE,

K H ROAD, SHANTHINAGAR
BEHIND CANARA BANK,
BENGALURU - 560027
REP BY ITS AUTHORISED REPRESENTATIVE
SMR. KISHORE BABU C

…RESPONDENT

(BY SRI. S.N. CHANDRA SHEKAR.,
ADVOCATE FOR CAVEATOR/RESPONDENT)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI QUASHING THE ORDER DATED 4-6-2026 IN CRL. MISC. NO.950/2026 PASSED BY THE CHIEF JUDICIAL MAGISTRATE, BENGALURU RURAL DISTRICT, BENGALURU AS PER ANNEXURE-B.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 writ of certiorari quashing the order Dated 4-6-2026 in Crl. Misc. No.950/2026 passed by the Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru as per Annexure-B.*

Digitally Signed by CHEPPUDIRA
MONNAPPA POONACHA

b) Declare that the initiation of proceedings under Section 14 of the SARFAESI Act by the Respondent Bank, without issuing valid demand notice under Section 13(2) SARFAESI Act and without expiry of the statutory period of 60 days therefrom, is illegal without jurisdiction and contrary to the provisions of the SARFAESI Act,.

c) Issue any other order or award as this Hon'ble Court deems fit in the facts and circumstances of the case."

2. It is forthcoming that in the present writ petition the order dated 04.06.2026 (Annexure-B to the writ petition) passed in Crl.Misc.No.950/2026 passed by the Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru, has been called in question, which is a proceedings initiated under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002[1].

3. Having regard to the fact that the petitioner has an alternate efficacious remedy under the provisions of the SARFAESI Act, the present writ petition stands dismissed.

[1] Hereinafter referred to as the 'SARFAESI Act'

Digitally Signed by CHEPPUDIRA MONNAPPA POONACHA

4. This order will not preclude the petitioner from availing remedies in accordance with law.

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

Digitally Signed by CHEPPUDIRA MONNAPPA POONACHA

(C.M. POONACHA)
JUDGE

ND
List No.: 3 Sl No.: 3