



HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO.2387 OF 2026 (GM-DRT)

BETWEEN:

1. M/S SREE SKANDA GRANITES
REP BY ITS PARTNERS,
1. SRI. S.K. RAJ KUMAR
2. SMT. INDU RAJ KUMAR
OFFICE AT NO. 55,
COMMERCIAL STREET,
SHIVAJINAGAR,
BENGALURU -560 001.
REG. UNDER THE INDIAN PARTNERSHIP ACT, 1932.
2. SRI. S.K. RAJ KUMAR
OFFICE AT NO.55,
COMMERCIAL STREET,
SHIVAJINAGAR,
BENGALURU -560 001.
ALSO AT SY NO.81/4,
ANDGOVA VILLAGE,
SOMWARPET TALUK,
COORG DISTRICT,
KARNATAKA - 571 237.
3. SMT. INDU RAJ KUMAR
OFFICE AT NO.55,
COMMERCIAL STREET,
SHIVAJINAGAR,
BENGALURU - 560 001.
ALSO AT SY NO.81/4,
ANDGOVA VILLAGE,
SOMWARPET TALUK,
COORG DISTRICT,
KARNATAKA - 571 237.





...PETITIONERS

(BY SRI. VISHWAS GOWDA G.M., ADVOCATE)

AND:

1. CENTRAL BANK OF INDIA
A BODY CORPORATE UNDER
THE BANKING COMPANIES
(ACQUISITION AND TRANSFER OF
UNDERTAKINGS) ACT, 1970,
HAVING ITS OFFICE AT CHANDAR MUKHI,
NARIMANPOINT,
MUMBAI - 400021
ONE OF ITS BRANCHES AT,
CANTONMENT BRANCH, NO.56
GROUND FLOOR,
NANDI BUILDING
BOWRING HOSPITAL ROAD,
SHIVAJINAGARA,
BENGALURU - 560 001
REPRESENTED BY ITS CHIEF MANAGER,
SRI. NAGARAJ C HASYAGAR.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT RESTRAINING THE 1ST RESPONDENT-BANK FROM INITIATING OR PROCEEDING WITH ANY EXECUTION OR COERCIVE STEPS PURSUANT TO THE EX-PARTE FINAL ORDER DATED 31.10.2025 IN OA NO.480/2024, PRODUCED AT ANNEXURE - C, PENDING DISPOSAL OF THE RECALL APPLICATION.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI



ORAL ORDER

1. The petitioners have filed this writ petition seeking following relief:

"To issue a writ of certiorari or any other direction or writ, restraining the 1st respondent-bank from initiating or proceeding with any execution or coercive steps pursuant to the ex-parte final order dated 31.10.2025 in O.A. No.480/2024, pending disposal of the recall application."

2. Brief facts leading rise to the filing of this writ petition are as follows:
3. Respondent No.1-Bank filed an Original Application in O.A. No.480 of 2024 before the Debts Recovery Tribunal-I, Bengaluru (for short, 'the Tribunal'), seeking recovery of the dues from the petitioners. The Tribunal issued a notice to the petitioners by way of substitute service through paper publication. Despite taking a paper publication, the petitioners did not appear in the said O.A. The Tribunal proceeded to pass a final order on 31.10.2025 and



also filed an application to recall the order dated 31.10.2025 and also filed an I.A. to take up the matter on Board.

4. The respondent-Bank is likely to initiate coercive action viz., execution proceedings, rendering the recalling application infructuous and hence, this writ petition.
5. Heard the arguments of the learned counsel for the petitioners.
6. Learned counsel for the petitioners submits that the petitioners filed an application for recalling the order passed in O.A. If the respondent-Bank has executed the O.A. order, then the application for recalling of order, filed by the petitioners would become *infructuous*. Hence, on these grounds, he prays to allow the writ petition.
7. Perused the records and considered the submissions of the learned counsel for the parties.



8. It is an undisputed fact that the respondent-Bank has initiated a recovery proceeding in O.A. No.480 of 2024. The respondent-Bank has taken out a notice to the petitioners by way of substitute service through paper publication.
9. Despite service of notice through paper publication, the petitioners failed to appear before the Tribunal and hence, the Tribunal placed the petitioners *ex parte* and thereafter, proceeded to pass the impugned order.
10. The petitioners filed an application for setting aside the *ex parte* order, which is pending for consideration.
11. The petitioners, instead of filing an application to stay the execution and operation of the *ex parte* order passed in O.A. No.480 of 2024, have filed this writ petition.



12. Therefore, the instant writ petition filed by the petitioners is not maintainable and I do not find any grounds to entertain the petition.
13. Accordingly, the writ petition is ***dismissed***.
14. Pending applications, if any, stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

RK
List No.: 1 Sl No.: 42