



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 4549 OF 2023 (GM-DRT)

BETWEEN:

1. MRS. MARINA. P
AGED ABOUT 47 YEARS,
W/O. MR. A.B. AMOS PAUL,
RESIDING AT NO. 16, 2ND CROSS,
HUTCHINS ROAD, ST. THOMAS TOWN POST,
BANGALORE - 560 084.
2. MR. MADHUSUDHAN B. N.
AGED ABOUT 39 YEARS,
S/O. MR. M. P. NARASIMHAMURTHY,
RESIDING AT NO. 10, 1ST CROSS,
R K M LAYOUT, MARAGONDANAHALLI,
BANGALORE - 560 036.
3. MR. P. SHRIDHAR
AGED ABOUT 59 YEARS,
S/O. LATE M. P. PERUMAL,
RESIDING AT NO.21, PRASANNA VILLA, 5TH MAIN,
1ST CROSS, PUNYABHOOMI LAYOUT, KALKERE,
HORAMAVU POST,
BANGALORE - 560 043.

...PETITIONERS

(BY SRI. VIJAYAKUMAR PRAKASH, ADVOCATE FOR
SRI. BHARADWAJ K.R., ADVOCATE)





AND:

1. PUNJAB NATIONAL BANK
CIRCLE OFFICE/ RECOVERY DEPARTMENT/
SASTRA VERTICAL
#100, MOSQUE ROAD,
FRAZER TOWN,
BANGALORE - 560 005
REPRESENTED BY ITS MANAGER
2. MR. JAGANNATHA. K. V
AGED ABOUT 52 YEARS,
S/O. LATE. K. C. VENKATASWAMAPPA,
RESIDING AT NO.27, 4TH MAIN,
MEENAKSHINAGAR, KAMAKSHIPALYA,
BASAVESHWARANAGAR,
BANGALORE - 560 079.

...RESPONDENTS

(BY SMT. PREETHU R., ADVOCATE FOR
SRI. VIGNESH SHETTY, ADVOCATE FOR R1
R2 IS SERVED)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED
ORDER DATED 31.01.2023 IN I.A.NO.2127/2020
D.NO.1147/2021 PASSED BY THE DEBT RECOVERY TRIBUNAL
BANGALORE AT ANNEXURE-P AND ETC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

Aggrieved by the order passed in I.A.No.2127/2020 in D.No.1147/2021 dated 31.01.2023 by the Presiding Officer, Debts Recovery Tribunal-I, Bengaluru, the applicants who are the third parties are before this Court.

2. The respondent No.1/Bank had initiated the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'SARFAESI Act') and when the sale notice dated 29.06.2021 was issued, the petitioners have come up before this Court by filing WP.No.12545/2021 in the month of July 2021 and the said writ petition came to be disposed of on 04.08.2021, reserving liberty to the petitioners to approach the Debts Recovery Tribunal within four weeks from the date of order and seek appropriate relief. The petitioners have gone before the Debts Recovery Tribunal by filing an application on 23.08.2021 i.e., within four weeks and they had filed D.No.1147/2021 seeking to set aside the notice dated 29.06.2021 issued by respondent No.1/Bank.



HC-KAR

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3. The Debts Recovery Tribunal had dismissed D.No.1147/2021 by way of order impugned. While dismissing the same, the Tribunal had observed that the main application is filed challenging the notice dated 29.06.2021 issued by the respondent No.1/Bank. The Tribunal had observed that the Demand Notice under Section 13(2) of the SARFAESI Act was issued on 31.10.2017. Thereafter, possession notice under Section 13(4) of the SARFAESI Act was issued on 21.10.2019 and observed that the appeal was filed on 23.08.2021 stating that through a memo that the appellants therein had filed WP.No.12545/2021 before the High Court and the High Court was pleased to dispose the same with a direction to the appellants to file an appeal before the Tribunal by an order dated 04.08.2021. But the appellants did not bother to submit a copy of the order. There is a delay of 11 days in challenging the impugned notice. However, there is no proper explanation provided by the appellants as to why they had failed to file the appeal in question within the period of limitation and the Tribunal has no power to condone the delay and accordingly, dismissed the application.



4. Learned counsel appearing for the petitioners submits that D.No.1147/2021 is filed questioning the notice dated 29.06.2021. Immediately, the petitioners had filed the writ petition in the month of July 2021. It is submitted that even if the said date is taken into consideration, the forty five days time will be lapsed by 14.08.2021. It is submitted that they have approached the High Court by filing a writ petition in the month of July 2021 and the writ petition was disposed of on 04.08.2021, giving liberty to file the appeal within 4 weeks and the petitioners had approached the DRT on 23.08.2021 i.e., within four weeks and the copy of the writ petition is also placed before the DRT which was not considered. It is submitted that in fact, there is no delay on the part of the petitioners in approaching the DRT and all these aspects were not considered by the DRT.

5. Learned counsel appearing for the respondent No.1/Bank submits that the petitioners are enjoying the stay from the year 2023 by stalling the entire proceedings that are initiated by respondent No.1/Bank. It is submitted that it is settled law that Section 5 of the Limitation Act will not apply to



the proceedings before the DRT and the DRT had rightly dismissed the application.

6. Having heard the learned counsels on either side, perused the entire material on record. The order impugned discloses that the Tribunal had failed to consider the date of the auction notice, when the petitioners had approached this Court, when the order is passed by the High Court and when the petitioners have again approached the DRT and whether there is any delay or not. Without considering all these, the Tribunal in a mechanical manner had held that the Tribunal cannot condone the delay. In that view of the matter, this Court is passing the following order:

ORDER

- i. The order passed in I.A.No.2127/2020 in D.No.1147/2021 dated 31.01.2023 by the Presiding Officer, Debts Recovery Tribunal-I, Bengaluru, is **set aside** and the matter is **remanded back** to the Debts Recovery Tribunal.
- ii. Without further notice, the parties shall appear before the Tribunal on 25.05.2026.



- iii. In the light of the dates mentioned in the preceding paragraphs, the Tribunal shall consider the case of the petitioners expeditiously within a period of four weeks from the date of receipt of copy of this order.
- iv. The interim order granted by the Co-ordinate Bench of this Court shall be in force for a period of four weeks.
- v. Accordingly, the writ petition is ***allowed***.
- vi. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 22