



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. 5451 OF 2026 (GM-DRT)

BETWEEN:

1. MRS. JAYAMMA
W/O THIMMA NAYAK
AGED ABOUT 59 YEARS
MELLAHALLI VILLAGE
RAVANDURU HOBLI
PIRIYAPATNA TALUK
MYSORE DISTRICT-571107

2. MRS. ASHA
W/O LATE MUTTA NAYAK
AGED ABOUT 37 YEARS
MELLAHALLI VILLAGE
RAVANDURU TALUK
MYSORE DISTRICT-571107

...PETITIONERS

(BY SRI. NANDEESHA K R., ADV.
SMT/MISS. SANGEETHA T.H, ADV.)





AND:

1. M/S EQUITAS SMALL FINANCE BANK LTD.,
MR. CHALUVARAJ K (EMP NO. E114336)
S/O VAIRAMUDI K S
AGED ABOUT 40 YEARS
LEGAL MANAGER
BRANCH OFFICE AT NO. 34
MIG, 1ST FLOOR, J T K 3RD STAGE
ADICHNCHNAGRI ROAD KUVEMPUNAGAR
MYSORE -570023

...RESPONDENT

(BY SRI. B C AVINASH., ADV.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER PASSED BY THE RESPONDENT NO.2 THE PRINCIPAL SENIOR CIVIL JUDGE AND C.J.M. AT MYSORE DATED 20-01-2026 PRODUCED AS ANNEXURE-G TO THE WRIT PETITION, AND ETC.,

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

The petitioners have filed this petition seeking the following reliefs:

1. Issue a writ of certiorari or any other appropriate order or order or direction in the nature of writ quashing the order passed by the principal senior civil judge and CJM in Crl.Misc.No.508/2025 at Mysore dated 20.01.2026, produced as Annexure-G to the writ petition.
2. Issue any other order or direction as this Hon'ble Court may deem fit under the facts and circumstances of the case including as to the cost in the interest of justice and equity.

2. Brief facts leading rise to the filing of this writ petition are as follows:

The petitioners obtained a loan of Rs.9,00,000/- from the respondent-Bank and EMI amount was Rs.16,810/- per month and the term was 120 months. The petitioners committed default. The respondent-Bank initiated the proceedings by filing a petition under Section 14 of *the*



Securitisaton and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short '**the SARFAESI Act**') in Crl.Misc. No.508 of 2025 which is disposed off. The petitioners, aggrieved by the order passed in Crl.Misc. No.508 of 2025, have filed this writ petition.

3. Learned counsel for the petitioners submits that if ten months time is granted, the petitioners will clear the entire outstanding dues. In support of his contention, filed an affidavit of undertaking of petitioner No.2, which reads as follows :

"I Asha w/o Mutta Nayak aged about 37 years, Mellahalli Village, Raavanduru Hobli Piriapatna Taluk Mysore District-571107, today at Bengaluru, do hereby state on solemn affirmation as follows:

1. I am the petitioner No.2 in the above petition and I am well acquainted with the facts of the case. Hence I am swearing to this Affidavit for myself and on behalf of other petitioners.



2. It is submitted that the myself and petitioner No.1 had borrowed a sum of Rs.9,00,000/- (nine lakhs only) from the respondent bank. It was sanctioned on 31.07.2023. The EMI amount was Rs.16,810/- per month and the term was 120 months. From the date of sanction till the month of February 2025 all EMI were paid regularly. Further in the month of march and April due to ill health of petitioner No.1, the EMI could not be paid in the month of may 2025. Further in the month of May paid a sum of Rs.33,600/-.
3. I respectfully submit that I had defaulted the payment of EMI from the month of June 2025. Pursuant to it the respondent bank issued a demand notice and obtain of order of recovery of possession in Cri.Misc.No.508/2025 on the file of the learned Chief Judicial Magistrate Mysore. In execution of said order of recovery of possession, the respondent bank had taken possession of the property in question. Hence this writ petition before this Hon'ble Court.
4. I respectfully submit that the total outstanding is Rs.9,38,170/- as per the Demand notice. Out of it I had obtained Demand draft for a sum of Rs.3,00,000/-. The Demand Draft dated 21.02.2026 bearing No.37627, Drawn on State Bank of India in favour of respondent bank. It is submitted that to adjust the



aforesaid sum of Rs.3,00,000/-
toward my outstanding due.

5. In the said circumstances I undertake to foreclose the said outstanding due within a period of 10 months.

To this effect I swearing this affidavit."

4. The learned counsel for the petitioners has also handed over a demand draft for a sum of Rs.3,00,000/- bearing No.376171 dated 21.02.2026 drawn on State Bank of India in favour of the respondent-Bank.

5. Learned counsel appearing for the respondent-Bank acknowledged the receipt of the demand draft and submits that the writ petition may be disposed off in terms of undertaking/affidavit of the petitioners whereby they have undertaken to clear the outstanding dues within 10 months.

6. Learned counsel for the respondent-Bank undertakes to deliver the possession of the property in question within 2 days from today in favour of the petitioners.



7. The submission is placed on record.

8. The writ petition is ***disposed of*** in terms of the undertaking/affidavit of the petitioners whereby the petitioners have undertaken to clear the outstanding dues within 10 months from today.

9. If the petitioners fail to clear the entire outstanding dues within 10 months from today, the respondent-Bank is at liberty to recover the said amount by due process of law.

10. Pending applications, if any, stand disposed off accordingly.

Sd/-
(**ASHOK S.KINAGI**)
JUDGE

SSB