



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 8266 OF 2023 (GM-DRT)

ETWEEN:

SMT SABAH AZEEZ
W/O LATE AZHAR NADEEM,
AGED 38 YEARS
R/AT MIG 02, 11/A,
2ND STAGE, KUVEMPU NAGARA,
HASSAN- 573 201

ALSO AT
NO.2A CROSS,
ROYAL RESIDENCY,
GROUND FLOOR,
SULTAN PALYA,
R.T.NAGAR,
BENGALURU -560 032

...PETITIONER

(BY SRI. RAHAMATHULLA KOTHWAL, ADVOCATE)

AND:

M/S BANK OF INDIA (BOI)
HASSAN BRANCH





CAUVERY COMPLEX,
P.B.NO.53, B.M. ROAD,
HASSAN -573 201
BENGALURU ZONE
REP. BY ITS
AUTHORIZED OFFICER/
BANK MANAGER

...RESPONDENT
(BY SRI. M MOHAMED IBRAHIM, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING ALL THE FURTHER PROCEEDINGS OF IMPUGNED SALE NOTICE UNDER RULE 8(6) OF THE SECURITY INTEREST (ENFORCEMENT) RULES BY WAY OF PAPER PUBLICATION VIDE DATED: 03.01.2023 REFLECTING THE AUCTION OF THE SAID SCHEDULE IMMOVABLE PROPERTY UNDER NOTICE WILL BE AUCTIONED ON 09.02.2023 AT 11.00 AM AS PER IMPUGNED SALE NOTICE BY OF PAPER PUBLICATION VIDE DATED 03.01.2023 VIDE ANNEXURE-A.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed seeking the following prayer:

"Wherefore, the petitioner respectfully prays that this Hon'ble Court may be pleased to :

(A) Issue writ in the nature of certiorari quashing all the further proceedings of impugned sale notice under Rule 8(6) of the Security Interest (Enforcement) Rules, by way of paper publication vide dated 03.01.2023, reflecting the auction of the said schedule immovable property under notice will be auctioned on 09.02.2023 at 11.00 AM as per impugned sale notice by of paper publication vide dated 03.01.2023 vide ANNEXURE-A.

(B) Issue Writ in the nature of Certiorari quashing the impugned stay proceedings passed by the Hon ble Debt Recovery Tribunal-II in S.A.No.90/2023 dated 29-03-023 as per ANNEXURE-B.

(C) Issue a nature of Mandamus directing the respondent bank to permit the petitioner to pay the full and final settlement amount of the outstanding dues of the scheduled property and put her back/give her the possession.

D) Pass any such orders or directions that this Hon'ble Court deems fit in favour of the Petitioner in the interest of justice and equity. Issue directions to the Respondent- Bank, pending the disposal of the Writ Petition, not to proceed further with any action against the scheduled property of petitioners."

2. Learned counsel appearing for the respondent submits that the writ petition has become infructuous. It is submitted that subsequent to the sale notice, they have already sold the property. Further, it is submitted that the property belongs to the second wife of the borrower and the petitioner who is the first wife has no locus to question the same. It is submitted



that the S.A. that is filed by the owner of the property itself is dismissed. Hence, the petitioner is not entitled for any relief.

3. Considering the submissions of the learned counsel for the petitioner and the fact that the property is mortgaged by somebody else, the petitioner has no locus to question the same. The property mortgaged belongs to the second wife and the petitioner is the first wife of the borrower who has no locus to file this writ petition. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

SD/-

(LALITHA KANNEGANTI)

JUDGE