



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 9143 OF 2026 (GM-DRT)**

**BETWEEN:**

1. SRI. SYED MUSAHIB AHMED,  
S/O. SYED MOKTHAR AHMED,  
AGED ABOUT 37 YEARS,
2. SMT. HUMERA BEGAM,  
W/O. SYED MUSAHIB AHMED,  
AGED ABOUT 32 YEARS,

BOTH ARE RESIDING AT:  
NO.58/3, 2<sup>ND</sup> FLOOR,  
BENSON CROSS ROAD,  
BENGALURU-560 046.

ALSO AT:  
FLAT NO.TF-206, 3<sup>RD</sup> FLOOR,  
GANESH GRANDE,  
MUNICIPAL NO.23/1,  
CORPORATION WARD NO.63,  
BENGALURU-560 046.

...PETITIONERS

(BY SRI. SAMPATH. A, ADVOCATE)

**AND:**

TATA CAPITAL HOUSING  
FINANCE LIMITED,  
REGISTERED UNDER PROVISIONS OF  
COMPANIES ACT, 2013  
CORPORATION ID:





U67190MH2008PLC187552.

11<sup>TH</sup> FLOOR, TOWER-A,  
PENINSULA BUSINESS PARK,  
GANPATH RAO, KADAM MARG,  
LOWER PARELL,  
MUMBAI-400 016.

ALSO AT:  
NO.82/1, GROUND FLOOR,  
KRISHNA TOWERS,  
RICHMOND ROAD,  
BENGALURU-560 025.

REPRESENTED BY ITS  
AUTHORISED OFFICER/MANAGER.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF  
THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE  
RESPONDENT BANK NOT TO TAKE ANY COERCIVE STEPS UNTIL  
CONSIDERATION OF THE MISCELLANEOUS APPLICATION NO.  
894/2026 BY THE LEARNED DEBT RECOVERY TRIBUNAL VIDE  
ANNX-E AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY  
HEARING, 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, Petitioners humbly pray that this Hon'ble Court may be pleased to:***

- (a) Issue Writ in the nature of Mandamus, directing the Respondent Bank not to take any coercive steps until consideration of the Miscellaneous Application No.894/2026 by the learned Debt Recovery Tribunal Vide Annexure-E.***
- (b) Pass such other order or further orders as this Hon'ble Court deems fit in the facts and circumstances of the above case, in the interest of justice and equity."***

2. The writ petition is against the TATA Capital Housing Finance Ltd. In the light of the Judgment passed by the Hon'ble Apex Court in Civil Appeal Nos.257-259/2022 between ***Phoenix ARC Private Limited Vs. Vishwa Bharathi Vidya Mandir and others*** arising out of WP.Nos.35564-35566/2015 dated 27.03.2018, the present writ petition is not maintainable against the respondent/Private Finance Company.

3. In that view of the matter, this Court is passing the following:



**ORDER**

- i. The writ petition is ***disposed of*** giving liberty to the petitioner to avail the appropriate remedy in accordance with law.
- ii. All I.As., in the writ petition shall stand closed.

**SD/-**

**(LALITHA KANNEGANTI)**

**JUDGE**