



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 9962 OF 2026 (GM-DRT)

BETWEEN:

1. MR. AJITHKUMAR,
S/O RAMACHANDRAN,
AGED ABOUT 47 YEARS,
2. SHYLA AJITH,
W/O AJITHKUMAR,
AGED ABOUT 41 YEARS,

BOTH ARE RESIDING AT
NO.62, VRINDAVANAM 1ST CROSS,
12TH BLOCK, ANJANAPURA,
BDA LAYOUT,
BENGALURU - 560 083.

...PETITIONERS

(BY SRI. RAHUL S. REDDY., ADVOCATE)

AND:

IDBI BANK
BANNERGHATTA BRANCH,
1ST FLOOR, MAHESWARI COMPLEX,
KEMPANAYAKANAHALLI, BANNERGHATTA,
BENGALURU - 560 083.
REP. BY ITS CHIEF MANAGER

...RESPONDENT

(BY SRI. T.P.MUTHANNA., ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING THE
EVICTION NOTICE DATED 20/09/2025 ISSUED BY THE





RESPONDENT BANK VIDE ANNEXURE-A AND DIRECTING THE RESPONDENT BANK TO NOT TO EVICT THE PETITIONERS FROM THE SCHEDULE PROPERTY TILL DISPOSAL OF THE APPLICATION IN SA NO. 159/2023 PENDING BEFORE THE DRT, BANGALORE.

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:

"PRAYER

WHEREFORE, the petitioner most humbly prays that this Hon'ble court may be pleased to:

a) Issue a Writ of Certiorari by quashing the eviction notice dated 20/09/2025 issued by the respondent bank vide Annexure A.

b) Issue a Writ of Mandamus directing the directing the Respondent bank to not to evict the petitioners from the schedule property till disposal of the application in S.A.No.159/2023 pending before the DRT, Bangalore.

c) Grant such other reliefs that this Hon'ble Court deems fit to be grant in the facts and circumstances of the case, in the interest of Justice and Equity."

2. Learned counsel for the petitioners submits that the petitioners are ready to pay the amount. In fact, they have already paid an amount of Rs.4,00,000/- on 26.03.2026 and the respondent No.1/Bank is insisting for an amount of Rs.11,00,000/-.



3. Learned counsel appearing for respondent No.1/Bank submits that the auction was conducted and the auction purchaser has paid 25% of the amount. It is also submitted the petitioners had already approached the DRT questioning the auction proceedings by filing S.A.No.159/2026. It is submitted that at this point of time, once the auction purchaser has already paid 25% of the amount, now the Bank cannot regularise the account.

4. Having heard the learned counsels on either side, perused the entire material on record. In view of the amendment to Section 13(8) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'SARFAESI Act'), once the auction notice is issued, the borrower will lose his right of redemption. According to the petitioners, they are ready to pay the amount. If respondent No.1/Bank is ready to take the amount, that is between the Bank and the petitioners and this Court cannot pass any order, as the same is contrary to Section 13(8) of the SARFAESI Act. Further, the petitioners already initiated the proceedings before the DRT. Having



initiated the proceedings before the DRT, the petitioners can seek any other reliefs before the DRT, but not before this Court. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***disposed of*** giving liberty to the petitioners to avail the appropriate remedy before the Debts Recovery Tribunal.
- ii. Any observations of this Court in the above order shall not be construed as the expression of this Court. The DRT shall decide the case independently.
- iii. All I.As. in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**