



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 15402 OF 2024 (GM-DRT)

BETWEEN:

1. MR MURALI SHEKARAPPA SANKOL
S/O SHEKARAPPA SANKOL
AGED ABOUT 49 YEARS, R/AT NO.74, 1ST CROSS
4TH MAIN 3RD STAGE, 4T6H BLOCK
BASAVESHWARA NAGAR NEAR YEMKY STORE,
BENGALURU-560079.

ALSO AT
LIG 45/12, SRI LAKSHMI NIALAYA KHB COLONY
HEAR MEGA MART BASAVESHWARANAGAR
BENGALURU-560079

ALSO AT
COLLABERA TECHNOLOGIES PVT LTD., 12/1, 12/1A,
13/1A, DIVYA SHREEE, GREEN INNER RING ROAD,
DOMLUR BENGALURU-560.

2. MRS. ASHA. D
W/O. MURALI SHEKARAPPA SANKOL AGED ABOUT 42
YEARS, R/AT NO.74, 1ST CROSS, 4TH MAIN, 3RD
STAGE, 4TH BLOCK, BASAVESHWARA NAGAR, NEAR
YEMKEY STORE, BENGALURU-560 079.

ALSO AT
LIG 45/12, SRI LAKSHMI NILAYA, KHB COLONY,
NEAR MEGA MART, BASAVESHWARANAGAR,
BENGALURU-560 079.
S.J. GOVERNMENT POLYTECHNIC COLLEGE,
SESHADRI ROAD, BENGALURU-560 001.

...PETITIONERS

(BY SRI. SALMANI PRAKASH.,ADVOCATE)



AND:

1. AXIS BANK LIMITED
(FORMERLY KNOWN AS UTI BANK LIMITED)
INCORPORATED UNDER THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT TRISHUL, 3RD
FLOOR, OPPOSITE SAMARTHESHWAR TEMPLE, LAW
GARDEN, ELLIS BRIDGE, AHMEDABAD-380 006.
GUJARAT AND HAVING ITS BRANCH OFFICE AT
NO.08, SONA TOWERS, 32ND E CROSS, 4TH T
BLOCK, JAYANAGAR, BENGALURU-560 041 REP. BY
ITS AUTHORIZED SIGNATORY ASSISTANT MANAGER
MR.B.J. MAHANTESH.
2. M/S. SAMRUDDHI REALTY LIMITED,
A PARTNERSHIP FIRM REGISTERED UNDER THE
COMPANIES ACT, 1956, REPRESENTED BY ITS
MANAGING PARTNER/ MANAGING DIRECTOR,
NO.21/14, 4TH FLOOR, M.G. ROAD, BENGALURU-560
001.

...RESPONDENTS

(BY SRI. FRANCIS XAVIER, ADVOCATE)

THIS WP IS FILED PRAYING TO QUASH / SET ASIDE THE
IMPUGNED ORDER DATED 25/03/2024 PASSED BY THE DEBTS
RECOVERY TRIBUNAL-II, KARNATAKA AT BENGALURU ON
I.A.NO. 2303/2019 IN O.A.NO.1119/2018 VIDE ANNEXURE-D.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed aggrieved by the order passed in I.A.No.2303/2019 in O.A.No.1119/2018 dated 25.03.2024 by the Debts Recovery Tribunal-II, Karnataka at Bengaluru, wherein the petitioner herein had filed an application under Section 151 of CPC to file the objection statement.

2. It is stated in the accompanying affidavit that there is a delay in filing the objection statement to the appeal due to the reason that the builder had assured him to allot a Villa after completing his projects, but subsequently he was not interested with the said Villa and sought for refund of the amount which he had paid for the allotment of the said Villa. The builder had not paid any amount and instead he kept on prolonging the issue and as such he was under the impression that he will pay back the money and settle the issue. Due to this reason he did not take interest in contesting the appeal. Now, as the builder had failed to pay the amount, it has become inevitable to file the objection statement. Hence, he had sought permission to file his writ statement/objections statement.



HC-KAR

NC: 2025:KHC:41672
WP No. 15402 of 2024

3. The Tribunal by order impugned, had dismissed the application. While dismissing the application, the Tribunal had considered all these aspects and also Section 19(5) of the Recovery of Debts and Bankruptcy Act, 1993 (for short "RDB Act, 1993") and observed that the strict timelines for filing the written statement and counter claim is that DRT is adjudicating on disputes involving huge amounts of public money and if any delay is permitted in the adjudication of those disputes, the same will result in locking up of huge amounts of public money which further would prevent utilization and recycling of those funds for the development of the country. In those circumstances, the Tribunal had held that the written statement filed by the defendants on 09.10.2019 cannot be taken on record with the delay of 280 days in filing the written statement and the same stands rejected.

4. Learned counsel appearing for the petitioners submits that the delay is 90 days, but in the order it is recorded as 280 days. It is further submitted that he had filed an application under Section 151 of CPC, but not under Section 19(5) of the RDB Act. It is submitted that under Section 151 of CPC, the Tribunal has got the inherent powers and the Tribunal



ought to have condoned the said delay and in the interest of justice ought to have allowed the petition. It is submitted that when he had filed an I.A. in the year 2019, for several years the respondents have failed to file their objections and the order was passed in the year 2024 and there is no fault on the part of the petitioners. It is submitted that he had stated the reasons in the accompanying affidavit of the I.A., why an application is filed and considering those reasons, the Tribunal ought to have allowed the petitioner to file the written statement. It is submitted that Section 19(5) of the RDB Act has no application to his case as the application is filed under Section 151 of the CPC.

5. Learned counsel appearing for the respondent submits that the Tribunal had rightly dismissed the I.A., considering Section 19(5) of the Act. As per Section 19(5) of the Act, the written statement has be filed within 30 days and the Tribunal has discretion to extend it for another 15 days and beyond 45 days the Tribunal has no power to entertain the same. He had relied on the judgment of the High Court of Telagana in the case of ***M/s. Neelam Enterprises and***



another Vs. Bank of India¹. He had relied on para No.11 which reads thus:

"11. Admittedly, the petitioners filed the written statement on 14.02.2024 i.e., nearly after a period of 1½ years from the date of expiration of the time limit prescribed under Section 19(5)(i) of the 1993 Act. The timeline provided for under Section 19(5)(i) of the 1993 Act is in consonance with the object sought to be achieved by enactment of the 1993 Act. The Debts Recovery Tribunal while dealing with the disputes under the 1993 Act deals with huge amounts of public money and if any delay is permitted in adjudication of the disputes, the very object and purpose of the enactment shall be defeated. Therefore, we are in respectful agreement with the view taken CJ & JSR, J 10 W.P.No.22920 of 2024 by Delhi and Madhya Pradesh High Courts. The decision relied on by the learned counsel for the petitioners in Kailash (supra) has no application to the facts of the case as the CPC is a general law whereas the 1993 Act is a special law and therefore, its provisions are to be construed differently".

¹ arising out of W.P.No.22920/2024 dated 22.08.2024.



Learned counsel for the respondent submits that the order that is passed by the Tribunal is a well considered one and no interference is called for.

6. Having heard the learned counsels on either side, perused the material on record. The first submission of the learned counsel for the petitioner is that he had filed an application under Section 151 of CPC, so the bar under Section 19(5) of the RDB Act is not applicable to this case. This Court is not able to appreciate the said submission. When a written statement is filed, what is the time frame to file a written statement and what are the consequences of it has been clearly stipulated under Section 19(5) of the RDB Act. When the RDB Act is very clear and there is a provision, question of filing an application under Section 151 of CPC does not arise. Section 19(5) of the RDB Act reads thus:

"Section 19(5) (i) the defendant shall within a period of thirty days from the date of service of summons, present a written statement of his defence including claim for set-off under sub-section (6) or a 1. Subs. by Act 44 of 2016, s. 32, for sub-section (3) (w.e.f. 1-9-2016). 2. Ins. by s. 32, ibid. (w.e.f. 1-9-2016). 3. Ins. by Act 1 of



2013, s. 15 (w.e.f. 15-5-2013). 4. Sub-section (3A) renumbered as sub-section (3B) thereof by Act 44 of 2016, s. 32 (w.e.f. 1-9-2016). 5. Subs. by Act 44 of 2016, s. 32, for sub-section (4) (w.e.f. 1-9-2016). 6. Ins. by s. 32, ibid. (w.e.f. 1-9-2016). 7. Subs. by s. 32, ibid., for sub-section (5) (w.e.f. 1-9-2016). 11 counter-claim under sub-section (8), if any, and such written statement shall be accompanied with original documents or true copies thereof with the leave of the Tribunal, relied on by the defendant in his defence: Provided that where the defendant fails to file the written statement within the said period of thirty days, the Presiding Officer may, in exceptional cases and in special circumstances to be recorded in writing, extend the said period by such further period not exceeding fifteen days to file the written statement of his defence; (ii) where the defendant makes a disclosure of any property or asset pursuant to orders passed by the Tribunal, the provisions of sub-section (4A) of this section shall apply to such property or asset; (iii) in case of non-compliance of any order made under clause (ii) of sub-section (4), the Presiding Officer may, by an order, direct that the person or officer who is in default, be detained in civil prison for a term not exceeding three months unless in the meantime the Presiding Officer directs his release: Provided that the Presiding Officer shall not pass an order under this clause



without giving an opportunity of being heard to such person or officer. Explanation.—For the purpose of this section, the expression 'officer who is in default' shall mean such officer as defined in clause (60) of section 2 of the Companies Act, 2013 (18 of 2013)."

7. The language employed in Section 19(5) of the RDB Act makes it very clear that the defendant shall file the written statement within the period of 30 days. The Presiding Officer may in exceptional cases and in special circumstances, to be recorded in writing he can extend the said period to another 15 days. Admittedly, according to the petitioner, it is 90 days, but the Tribunal had recorded it as 280 days. Either it is 90 days or 280 days, that is beyond 45 days and to condone the delay, the Tribunal or any other Court has no power. The Tribunal has rightly observed at para No.21 that the strict timelines for filing the written statement and counter claim is that DRT is adjudicating on disputes involving huge amounts of public money and if any delay is permitted in the adjudication of those disputes, the same will result in locking up of huge amounts of public money which further would prevent utilization and recycling of those funds for the development of the country and



the Tribunal had rightly dismissed the I.A. and this Court finds no reasons to interfere with the well considered order passed by the Tribunal. Hence, this Court is passing the following:

ORDER

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

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

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List No.: 2 Sl No.: 14