



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 23789 OF 2025 (GM-DRT)

BETWEEN:

MR. RAJASHEKARA K.T.,
S/O THULASIRAMAN K.R.,
AGED ABOUT 49 YEARS,
NO 75, OUTER RING ROAD,
NEAR GANGAMMA DEVI TEMPLE,
2ND CROSS, MAHADEVAPURA,
BANGALORE -560 048

...PETITIONER

(BY SRI. SYED JAFFER MOHIYUDDIN, ADVOCATE)

AND:

THE AUTHORISED OFFICER
BAJAJ FINSERV
(A SUBSIDIARY OF
BAJAJ FINANCE LIMITED)
J.K. TOWERS, SANGAM CIRCLE,
JAYANAGAR, 8TH BLOCK,
BANGALORE- 560 082

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI QUASHING/ SETTING ASIDE THE IMPUGNED ORDER DATED 17-06-2025 PASSED BY DEBT RECOVERY TRIBUNAL (DRT-1 IN IA NO. 3062/2022 IN SA NO. 754/2022 PRODUCED AT ANNEXURE C.

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, the petitioner humbly prays that this Hon'ble Court may be pleased to call for records and;

1. Issue writ of certiorari quashing/setting aside the impugned order dated 17.06.2025 passed by Debt Recovery Tribunal (DRT)-1 in IA No.3062/2022 in SA No.754/2022 produced at Annexure-C.

2. Issue appropriate writ directing the respondent to restore and handed over possession of schedule property back to the petitioners

3. And to pass any other orders that this Hon'ble Court deems fit in the present facts and circumstances of this case in the interest of justice."

2. 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 Bajaj FinServ (a subsidiary of Bajaj finance limited),
which is a finance Bank.

3. 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 petitioner to avail the appropriate remedy.
- ii. The petitioner shall have the benefit of Section 14 of the Limitation Act.
- iii. All pending I.As., in the writ petition shall stand closed.

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

PKN
List No.: 1 Sl No.: 20