



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 35722 OF 2025 (GM-ST/RN)

BETWEEN:

PUNJAB NATIONAL BANK
MALLESHWARAM BRANCH
OPP: SSLC BOARD, 6TH CROSS,
SADASHIVNAGAR,
BENGALURU - 560078.
REPRESENTED BY ITS CHIEF MANAGER,
M SREENIVASA RAO

...PETITIONER

(BY SRI. SHETTY VIGNESH SHIVARAM.,ADVOCATE)

AND:

1. THE SENIOR SUB-REGISTRAR,
SRIRAMPURAM, MAGADI ROAD,
BENGALURU-5600523
2. THE INSPECTOR GENERAL OF REGISTRATION
AND COMMISSIONER OF STAMPS,
8TH FLOOR, KANDAYA BHAVAN,
K.G. ROAD, BENGALURU - 560009.
3. LIKITH ENTERPRISES
REPRESENTED BY ITS PROP
SRI. LIKITH N.
S/O NANJUNDASWAMY N
AGED ABOUT 31 YEARS
R/AT NO.9, 10TH CROSS,
13TH MAIN, GOKUL 1ST PHASE, 1ST STAGE,
MATHIKERE, BANGALORE-560054

Digitally
signed by
CHAITHRA A
Location:
HIGH COURT
OF
KARNATAKA



4. SRI. NANJUNDASWAMY N,
S/O NANJAPPA
AGED ABOUT 56 YEARS,
5. SMT. RADHA N
W/O NANJUNDASWAMY N
AGED ABOUT 54 YEARS

BOTH R4 & R5 ARE
RESIDING AT NO.11, 11TH CROSS,
2ND MAIN, GURUMURTHY REDDY COLONY,
YESHWANTHPURA, BANGALORE-560022

...RESPONDENTS

(BY SMT. NAVYA SHEKAR ,AGA FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO-DIRECTION TO
RESPONDENTS TO REMOVE THE ILLEGAL SUBSEQUENT
ENTRIES FROM THE SCHEDULE PROPERTY IN VIEW OF THE
REPRESENTATION DATED 12.11.2025 ANNEX-E.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Heard the learned counsel for the petitioner-Bank
and the learned Additional Government Advocate
appearing for respondent No.1.

2. The petitioner-Bank has instituted the present writ
petition being aggrieved by the entries reflected in the



Encumbrance Certificate, which have arisen subsequent to the creation of an equitable mortgage by deposit of title deeds by the borrower in favour of the petitioner-Bank.

3. It is the specific case of the petitioner-Bank that the borrower, despite having created an equitable mortgage in favour of the Bank as security for the loan availed, has proceeded to execute a registered Gift Deed in favour of his daughter, thereby giving rise to subsequent encumbrances. The said act, according to the Bank, is intended to defeat and dilute the security interest created in its favour.

4. In this background, the petitioner-Bank is stated to have submitted a representation dated 12.11.2025 before the jurisdictional Sub-Registrar (respondent No.1), seeking deletion of the subsequent entries in the Encumbrance Certificate.

5. This Court is of the considered view that entries reflected in the Encumbrance Certificate, being



consequential to duly registered documents, cannot be effaced or annulled in exercise of writ jurisdiction, unless the underlying registered instruments are set-aside in proceedings known to law.

6. However, it is to be noted that the equitable mortgage created by deposit of title deeds in favour of the petitioner-Bank confers a paramount and prior charge over the subject property. The subsequent execution of the Gift Deed by the borrower, even if registered, would remain subservient to the Bank's pre-existing security interest and cannot prejudice the Bank's right to enforce its mortgage.

7. In that view of the matter, this Court is of the opinion that it is not necessary for the petitioner-Bank to challenge the subsequent registered document at this stage. The petitioner-Bank is at liberty to enforce its security interest and proceed against the mortgaged property in accordance with the applicable banking laws,



and its right as a secured creditor holding a first lien shall remain unaffected by the subsequent transactions.

Accordingly, without expressing any opinion on the validity of the subsequent entries reflected in the Encumbrance Certificate pursuant to the registered Gift Deed, the writ petition stands disposed of reserving liberty to the petitioner-Bank to take recourse to such remedies as are available in law.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**