



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. 38126 OF 2025 (GM-DRT)

BETWEEN:

1. SMT.SHRIDEVI
D/O. AJIT KUMAR M.V.,
W/O. PROJOSH K. V.,
AGED ABOUT 42 YEARS
RESIDING AT
OM SAI PRAKRUTHI DHAMA
APARTMENT B101, FIRST FLOOR,
NO.939, 2ND MAIN ROAD,
LAKSHMIPURAM,
MYSORE-570 004
2. SMT. SWETHA
D/O. AJIT KUMAR M. V.,
AGED ABOUT 40 YEARS,
RESIDING AT OM SAI PRAKRUTHI DHAMA
APARTMENT A 001, GROUND FLOOR,
NO.939, 2ND MAIN ROAD,
LAKSHMIPURAM,
MYSORE-570 004

...PETITIONERS

(BY SRI. R.S.RAJESH, ADVOCATE)

AND:

1. SAMMAAN FINSERVE LIMITED
(FORMERLY KNOWN AS INDIABULLS
COMMERCIAL CREDIT LIMITED)
REPRESENTED BY THE AUTHORIZED OFFICER
REG. OFFICE 2ND FLOOR,



PLOT NO-3, BLOCK-A, POCKET-2,
SECTOR-17, DWARKA RESIDENTIAL SCHEME,
DWARKA,
NEW DELHI-110 075

2. INDIA BULL COMMERCIAL PRIVATE LIMITED
REG. OFF. DOOR NO-2904,
FIRST FLOOR, 1ST MAIN,
NEW MUSLIM HOTEL COMPLEX,
SARASWATHIPURAM,
MYSORE- 570 009,
KARNATAKA
3. M.V. AJIT KUMAR
S/O. LATE M. V. VEERENDRA KUMAR
AGED ABOUT 69 YEARS
4. SMT. NUTAN AJIT KUMAR
W/O. M. V. AJIT KUMAR
AGED ABOUT 65 YEARS
5. SRI. M. A. SANATH KUMAR
S/O. M. V. AJIT KUMAR
AGED ABOUT 38 YEARS,

RESPONDENTS 3 TO 5 ARE
RESIDING AT DOOR NO. 2744/1A,
D16, V.V MOHALLA,
MYSORE -570 002

6. THE CHIEF GENERAL MANAGER
RESERVE BANK OF INDIA
NO.10/3/8, NRUPATHUNGA ROAD
OPPOSITE TO ST. MARTHAS'S HOSPITAL
BENGALURU-560 001

...RESPONDENTS

(BY SRI.FRANCIS XAVIER, ADVOCATE FOR R1)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASHING THE
POSSESSION NOTICE DATED 22/11/2025 (ANNEXURES-F, G



AND H) ISSUED UNDER SECTION 13(4) OF THE SARFAESI ACT READ WITH RULE 8 OF THE SECURITY INTEREST ENFORCEMENT RULES 2002 WITH RESPECT TO THE SCHEDULE PROPERTY (3 APARTMENTS BELLOW).

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:

WHEREFORE, the petitioners pray that this Hon'ble Court may be pleased to:

a. Issue a writ of certiorari quashing the possession notice dated 22/11/2025.1.) Vide Ref No.16595/HLLAMYSOO360923(2116) to the Flat No.'A'-003 as per ANNEXURE'F', 2) Vide Ref. No.16595/HLLAMYSOO360923 (13331) dated 22/11/2025 Bearing Flat No.'A'-004 as per ANNEXURE 'G' & 3.) Bearing No.13333 Flat No.'A'-303 as per ANNEXURE-H issued under Section 13(4) of the SARFAESI ACT read with Rule 8 of The Security Interest Enforcement Rules 2002 with respect to the schedule property (3 Apartments bellow).

b. Declare that SARFAESI ACT proceedings cannot be initiated against petitioner undivided and un-mortgaged shares in the scheduled property and further to Declare that the physical possession of the schedule property/mortgaged assets cannot be taken when the same is occupied by tenants by exercising the powers under the provisions of section 13(4) of the SARFAESI Act.



c. To further declare that the possession of the schedule property by the second respondent is illegal and award damages of Rs.1,18,400/- towards the rent from the 22.11.2025 till it is delivered back to the petitioners.

d. Issue a writ of Mandamus directing the respondents No.1 and 2 to not to take any coercive actions or conduct any sale/auction of the property.

e. Direct the respondent No.2 to hand over the physical possession of the property (3 Apartments) to petitioners as it is kept under lock and key of the respondent No.2 and award damages of Rs. 6,00,000/- for the mental agony caused on account of the illegal possession by the petitioners.

f. To direct the respondent 1 and 2 to produce all documents relating to name change, assignments, transfer to property from INDIABULLS to present identity.

g. To grant any other order as this Hon'ble court deems fit.

2. Notice was issued to the respondents by this court on 19.12.2025 and no interim order is granted.

3. Today when the matter came up, there is no representation on behalf of the petitioners. Sri. Francis Xavier, learned counsel appearing on behalf of the respondent-Bank submits that after this Court had issued notice to the respondents on 19.12.2025, the petitioners have approached



the DRT by filing S.A.No.20/2026. Considering the fact that the petitioners have already availed the alternative remedy, nothing survives for consideration in this writ petition.

Accordingly, the writ petition is ***dismissed***.

All pending I.As., in the writ petition shall stand closed.

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

PKN
List No.: 1 Sl No.: 10