



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.107244 OF 2025 (GM-DRT)

BETWEEN:

1. SMT. SUNITA APPASAHEB NULE
W/O. LATE APPASAHEB NULE,
AGED ABOUT 62 YEARS,
R/AT. BENADI VILLAGE, TAL. NIPPANI,
DIST. BELAGAVI - 591 215, KARNATAKA.
2. SRI. PRAVIN APPASAHEB NULE
S/O. LATE APPASAHEB NULE,
AGED ABOUT 39 YEARS,
R/AT. BENADI VILLAGE, TAL. NIPPANI,
DIST. BELAGAVI - 591 215, KARNATAKA.
3. SMT. ARCHANA BABU HALATTI
D/O. LATE APPASAHEB NULE,
W/O. BABU HALATTI,
AGED ABOUT 41 YEARS,
R/AT, HARGAPUR, TAL. HUKKERI,
DIST. BELAGAVI - 591 313, KARNATAKA.

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...PETITIONERS

(BY SRI. KAZI SALIM HASHAM SAHEB, ADVOCATE)

AND:

1. VEERSHAIV CO-OP BANK LIMITED
KOLHAPUR, REGISTERED OFFICE
AT 514/A/1, TARATANI CHOWK,
KOLHAPUR, MAHARASHTRA - 416 001,



THROUGH ITS AUTHORIZED OFFICER,
SHRI. RAHEEV D.PATIL,
IFSC CODE, SVSH000030
BRANCH OFFICE AT:
SHRI VEERSHAIV CO-OP BANK LIMITED,
ASHOK NAGAR, NIPPANI,
DIST. BELAGAVI - 591 237.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING OR THE IMPUGNED ORDER DATED 21/05/2025 AND QUASH AND SET ASIDE/MODIFY THE ORDER NOTICE OF I.A. TO THE RESPONDENT TO INTERIM ORDER OF STAY THE EXECUTION/IMPLEMENTATION OF IMPUGNED ORDER OF PRINCIPAL SENIOR CIVIL JUDGE AND CJM, BELAGAVI DATED 26-09-2024 IN CRL.MISC. 184/2024 PASSED BY DEBTS RECOVERY TRIBUNAL II KARNATAKA AT BENGALURU, IN DAIRY NO.1362/2025 IN S.A NO /2025 DATED 21-05-2025 AS ANNEXURE-'A' AND B. B) GRANT SUCH OTHER RELIEF OR RELIEFS AS THIS HON'BLE COURT FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

The petitioners filed this writ petition challenging the order dated 21.05.2025 passed by the Debts Recovery Tribunal-II, Karnataka at Bengaluru (hereinafter referred to as 'Tribunal' for short) issuing a notice on interim application vide Annexures-A and B.

2. Brief facts, leading rise to the filing of this writ petition are as follows.

3. The petitioners obtained a loan from the respondent-bank, and committed a default. The respondent initiated proceedings under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'SURFAESI Act' for short) in CrI.Misc.No.184/2024 on the file of the learned Principal Senior Civil Judge at CJM, Belagavi. The said petition came to be allowed vide order dated 26.09.2024. The petitioners aggrieved by the order



passed in CrI.Misc.No.184/2024 preferred an appeal before the DRT and filed an application in I.A.No.1248/2025 for condonation of delay of 192 days in filing the appeal. The Tribunal issued a notice to the respondents on the said interim application. The petitioners aggrieved by the order dated 21.05.2025 issuing notice to the respondents filed this writ petition.

4. Heard the arguments of the learned counsel for the petitioners.

5. Learned counsel for the petitioners submits that the Tribunal could have condoned the delay and granted an interim order, staying the execution and operation of the order passed in CrI.Misc.No.184/2024. The Tribunal committed an error in issuing a notice on the said application. Hence, on these grounds, he prays to allow the writ petition.

6. Perused the records, and considered the submissions of the learned counsel for the petitioners.



7. The petitioners availed a loan from the respondent-bank, and committed a default. The respondent initiated proceedings under Section 14 of the SURFAESI Act before the Principal Senior Civil Judge, and CJM, Belagavi in Crl.Misc.No.184/2024. The learned Principal Senior Civil Judge vide order dated 26.09.2024 allowed the petition filed by the respondent. The petitioners aggrieved by the order passed in Crl.Misc.No.184/2024, approached the Debt Recovery Tribunal in Bengaluru in diary No.1362/2025. There is a delay of 192 days in approaching the Tribunal. The Tribunal has issued notice on I.A. to the respondent. Unless the delay is condoned, there is no appeal in the eye of law. The Tribunal was justified in issuing a notice on the said application. Further, this court vide order dated 03.11.2025 directed the respondent-bank not to take any precipitative action against the petitioners, subject to the condition that the petitioners would pay a sum of Rs.5,00,000/- within next three weeks. It was also made clear that, in the event, the petitioners would not pay the



said amount by the said date, the respondent-bank would be at liberty to take action, in accordance with law. Admittedly, the petitioners have not produced any records to establish that the petitioners have complied with the order dated 03.11.2025. The Tribunal was justified in issuing a notice to the respondent therein on I.A. Hence, I do not find any grounds to entertain the writ petition.

Accordingly, the writ petition is dismissed.

Pending applications, if any shall stand disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE

MBS
CT: UMD
List No.: 3 SI No.: 4