



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 202332 OF 2023 (GM-RES)

BETWEEN:

1. RAGHVENDRA K.ACHARYA
S/O KESHVACHARYA,
AGE: 49 YEARS, OCC: AGRICULTURE
R/O HOUSE NO.3-3-64,
SIDDAMESHWARA NAGAR,
AFZALPUR-585301,
DIST. KALABURAGI-585301.
2. KESHVACHARYA S/O V. VENKOBCHARYA,
AGE: 45 YERS, OCC: AGRICULTURE,
R/O NO.3-3-64, SIDDAMESHWARA NAGAR,
AFZALPUR-585301, DIST. KALABURAGI.
3. SUDHEENDRA S/O KESHVACHARYA,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O FLAT NO.9, VAISHANVI APARTMENT,
VIDYANAGAR, LANE NO.1,
NEAR KRISHNA CHOWK, NEW SANGVI,
PUNE-411027.
4. DHEERENDRA S/O KESHVACHARYA,
AGE: 32 YEARS, OCC: AGRICULTURE,
R/O FLAT NO.9, VAISHANVI APARTMENT,
SURVEY NO.46/1/2, PIMPLE, GURAV,
PUNE-411061.

...PETITIONERS

(BY SRI. SANGOLI NAGANNA, ADVOCATE)

Digitally signed
by SACHIN
Location: HIGH
COURT OF
KARNATAKA



AND:

HDFC BANK LIMITED
A COMMERCIAL BANKING COMPANY
INCORPORATED UNDER THE PROVISIONS OF
THE COMPANIES ACT HAVING ITS REGISTERED
OFFICE HDFC BANK, HOUSE SENAPATI BAPAT MARG,
LOWER PAREL, MUMBAI, MAHARASHTRA-400013,
BRANCH AT NO.103/31,
26TH MAIN ROAD, 4TH BLOCK,
NEAR R.V.COLLEGE, JAYANAGAR, BENGALURU
R/BY ITS AUTHORIZED OFFICER
SRI JAYTHEERTH V. CHAKALABBI.

...RESPONDENT

(BY SRI UDAY P. HONGUNTIKAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE WRIT OF CERTIORARI/DIRECTION/ORDER/QUASHING THE ORDER PASSED BY LEARNED PRINCIPAL SENIOR CIVIL JUDGE AND CHIEF JUDICIAL MAGISTRATE COURT, KALABURAGI IN CRL MIS.NO.43/2022 DATED 21.12.2022 VIDE ANNEXURE-A ALLOWING THE APPLICATION UNDER SECTION 14 OF SARAFESI ACT 2002 FILED BY THE RESPONDENT BANK AND PLEADED TO HOLD THAT THE LEARNED MAGISTRATE COURT HAD NO JURISDICTION TO ENTERTAIN THE APPLICATION UNDER SECTION 14 OF SARAFESI ACT AND GRANT ANY RELIEFS TO THE RESPONDENT BANK; B) UNDER THE FACTS AND CIRCUMSTANCES REFERRED ABOVE, IF THE HONOURABLE COURT COMES TO THE CONCLUSION THAT THE APPROACH OF THE RESPONDENT BANK IF BEFORE THE WRONG FORUM, AND THE HONOURABLE TRAIL COURT WITHOUT JURISDICTION PROCEEDS IN PASSING THE ORDERS UNDER CHALLENGE, THE COST OF WRIT PETITION MAY KINDLY BE AWARDED AS AGAINST THE RESPONDENT BANK TO MEET THE ENDS OF JUSTICE AND EQUITY AND ALSO ANY OTHER SUITABLE ORDERS.



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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

This writ petition under Article 226 of the
Constitution of India is filed seeking for the following
reliefs :

- a) *Issue writ of certiorari/direction/order/quashing the order passed by learned Principal Senior Civil Judge and Chief Judicial Magistrate Court, Kalaburagi in Crl.Misc. No.43/2022 dated 21.12.2022 vide Annexure-A allowing the application under Section 14 of SARAFAESI Act 2002 filed by the respondent-bank and pleaded to hold that the learned Magistrate Court had no jurisdiction to entertain the application under Section 14 of SARAFAESI Act and grant any reliefs to the respondent-bank;*
- b) *Under the facts and circumstances referred above, if the honourable Court comes to the conclusion that the approach of the respondent bank is before the wrong forum, and the honourable trial Court without jurisdiction proceeds in passing the orders under challenge, the cost of writ petition may kindly be awarded as against the respondent bank to meet the ends of justice and equity and also any other suitable orders.*

2. Learned counsel for the respondent submits
that dispute between the parties has been settled under



one time settlement scheme and therefore the petition has been rendered infructuous.

3. He has filed a memo to the said effect on 25.03.2026.

4. Said submission and memo is taken on record.

5. Petition is dismissed as having become infructuous.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SN
List No.: 1 Sl No.: 36
CT:PK