

ITEM NO.65

COURT NO.14

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.5733/2025

[Arising out of impugned final judgment and order dated 19-02-2025 in WP No.101264/2025 passed by the High Court of Karnataka Circuit Bench at Dharwad]

T J S B SAHAKARI BANK LTD

Petitioner

VERSUS

M/S PATIL POLYMER PRODUCTS

Respondent

Date : 28-02-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. Sunil Fernandes, Sr. Adv.
Mr. Vikram Singh Kushwaha, Adv.
Mr. Harsh Gokhale, Adv.
Mr. Mukesh Kumar, Adv.
Mr. Ashish Pandey, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The High Court of Karnataka, by the impugned *ex-parte* interim order dated 19th February, 2025, has stayed a possession notice dated 27th June, 2024 issued in pursuance of an order passed by the relevant magistrate under Section 14 of the SARFAESI Act, 2002, subject to condition of payment of 20% of the debt in the manner indicated therein.
2. It has been brought to our notice by Mr. Fernandes, learned senior counsel for the petitioner-secured creditor, that despite a caveat having been

lodged, no notice was served on it and the High Court proceeded to grant interim relief to the defaulting borrower/writ petitioner not only without adhering to the decisions of this Court cautioning against entertainment of writ petitions challenging SARFAESI actions but also without indicating a returnable date.

3. Decisions are legion that writ petitions should not, ordinarily, be entertained in respect of SARFAESI actions. The High Court does not seem to have referred to any of such decisions. It has also not recorded any reason as to why, despite availability of a remedy to the defaulting borrower/writ petitioner under Section 17 of the SARFAESI Act, it entertained the writ petition.

4. Be that as it may, we are of the considered opinion that keeping this special leave petition pending will not serve any useful purpose and that interest of justice would be sufficiently served if necessary directions are made, while disposing of this special leave petition, to facilitate very early hearing of the writ petition by the High Court.

5. With that in view, we direct that the writ petition before the High Court shall be listed on 10th March, 2025.

6. The petitioner-secured creditor shall be at liberty to raise all objections with regard to maintainability of the writ petition or otherwise on that date by filing a counter affidavit or by filing an application under clause (3) of Article 226 of the Constitution.

7. The High Court shall consider the objections raised by the petitioner-secured creditor upon putting the defaulting borrower/writ petitioner on notice.

8. To enable that the defaulting borrower/writ petitioner does not seek unnecessary adjournment on 10th March, 2025, we direct the Registry to send a

copy of this order to it without any delay.

9. The special leave petition stands disposed of. Pending application(s), if any, shall also stand disposed of.

10. All contentions of the parties on merits are left open.

(RASHMI DHYANI PANT)
ASTT. REGISTRAR-cum-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)