NC: 2024:KHC:24239
WP No. 6792 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.6792 OF 2023 (GM-RES)

BETWEEN:

1. SRI. S. MAHADEVASWAMY
S/O P SHIVAPPA
AGED ABOUT 48 YEARS,
SKPT ROAD, HANNUR, KOLLEGAL,
CHAMARAJPET – 571 440.

2. SMT ANITHA MAHADEVASWAMY
W/O S MAHADEVASWAMY
AGED ABOUT 43 YEARS,
SKPT ROAD, HANNUR KOLLEGAL,
CHAMARAJPET – 571 440.

…PETITIONERS

(BY SRI. SRIKANTH B., ADVOCATE)

AND:

PIRAMAL CAPITAL AND HOUSING FINANCE LTD.,
(FORMERLY KNOWN AS DEWAN HOUSING FINANCE CORPORATION LTD)
PIRAMAL CAPITAL AND HOUSING FINANCE LTD
UNIT NO.601, 6TH FLOOR, AMRITI BUILDING
AGASTYA CORPORATION PARK,
KAMANI JUNCTION, OPP. FIRE STATION,
LBS MARG, KURLA (WEST), MUMBAI – 400 070

BRANCH OFFICE AT:
PIRAMAL CAPITAL AND HOUSING FINANCE LTD.,
(FORMERLY KNOWN AS DEWAN HOUSING FINANCE CORPORATION LTD)
BRANCH OFFICE NO.13,
OLD NO.5, 1ST MAIN ROAD, NEAR KODAVA SAMAJA,
VASANTH NAGAR, BENGALURU-560 052
REP. BY ITS MANAGER.

…RESPONDENT

(BY SRI. JAI.M.PATIL AND
SMT. SRIDEVI., ADVOCATES)

Digitally signed by Vandana S
Location: HIGH COURT OF KARNATAKA

THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE OF SALE OF IMMOVABLE PROPERTY / SCHEDULE PROPERTY DATED 25.02.2023 ISSUED BY THE RESPONDENT / BANK IN EXERCISE OF POWERS CONFERRED UNDER THE PROVISIONS OF THE SECURITY INTEREST (ENFORCEMENT) RULES-2002 VIDE ANNEXURE-C.

THIS PETITION, COMING ON FOR *ORDERS*, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

In this petition, petitioners assail the Notice of sale at Annexure – C dated 25.02.2023 scheduling auction to be conducted on 29.03.2023.

2. Heard learned counsel for the petitioners and learned counsel for the respondent and perused the material on record.

3. A perusal of the material on record will indicate that though the auction has taken place on 29.03.2023, the same has not been confirmed by the respondent and under these circumstances, nothing further survives for consideration in the present petition and the same is accordingly, disposed of reserving liberty in favour of the petitioners to take recourse to such remedies as available in law including approaching this Court subsequently, if occasion so arises.

4. Subject to the aforesaid observations and directions, the petition stands ***disposed of***.

5. All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the same.

Sd/-
JUDGE

SV
List No.: 1 Sl No.: 30