NC: 2024:KHC:23030
WP No. 691 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2024

BEFORE

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

WRIT PETITION NO. 691 OF 2023 (GM-DRT)

BETWEEN:

SMT. LAKKAMMA
W/O SRI. GOPALAPPA
AGED ABOUT 73 YEARS
R/AT KONIGARAHALLY
CHALLAKERE TALUK
CHITRADURGA DISTRICT-577 522.

…PETITIONER

(BY SRI. C. VIJAYA KUMAR, ADVOCATE)

AND:

1. PRAGATHI GRAMIN BANK
T N KOTE
CHALLAKERE TALUK
CHITRADURGA DISTRICT
PIN – 577 522.
REPRESENTED BY ITS BRANCH MANAGER

2. THE RECOVERY OFFICER-I
DEBTS RECOVERY TRIBUNAL
JEEVAN MANGAL BUILDING
NO.4, RESIDENCY ROAD
BENGALURU-560 025.

3. SRI. P.V. SHESHAGIRI
S/O SRI. VEERAPPA
AGED ABOUT 67 YEARS
R/A THORE BEERANAHALLY
CHALLAKERE TALUK
CHITRADURGA DISTRICT
PIN-577 522.

Digitally signed by ALBHAGYA
Location: HIGH COURT OF KARNATAKA

4. SRI MANJANNA
S/O SRI. KRISHNAPPA
AGED ABOUT 57 YEARS
R/A KONIGARAHALLY
CHALLAKERE TALUK
CHITRADURGA DISTRICT
PIN-577 522.

5. SRI. SADASHIVA
S/O SRI. GOPALAPPA
AGED ABOUT 53 YEARS
R/A KONIGARAHALLY
CHALLAKERE TALUK
CHITRADURGA DISTRICT
PIN-577 522.

6. SMT. ANASUYAMMA
D/O SRI. GOPALAPPA
AGED ABOUT 50 YEARS
R/A KONIGARAHALLY
CHALLAKERE TALUK
CHITRADURGA DISTRICT
PIN-577 522.

7. SRI. GANGADHARAPPA
S/O SRI. GOPALAPPA
AGED ABOUT 48 YEARS
R/A KONIGARAHALLY
CHALLAKERE TALUK
CHITRADURGA DISTRICT
PIN-577 522.

8. SMT. GEETHA
D/O SRI. GOPALAPPA
AGED ABOUT 45 YEARS
R/A KONIGARAHALLY
CHALLAKERE TALUK
CHITRADURGA DISTRICT
PIN-577 522.

9. SRI. MANJUNATH T.N.
S/O SRI. T. NAGARAJA
MAJOR
R/O MANJUNATHA NILAYA

BASAVESHWARA CIRCLE
OPP. AMBHA BHAVANI TEMPLE
KELE GOTE, CHALLAKERE
CHITRADURGA
PIN-577 522.

…RESPONDENTS

(BY SRI. ARUN SHYAM, SENIOR ADVOCATE FOR
SRI. ROHITH R. KUMAR, ADVOCATE FOR R1;
SMT. ANUPAMA .M.V, ADVOCATE FOR R9)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 23.12.2022 IN APPEAL DIARY NO. 283/2021 IN DRC NO. 7689IN OA.NO. 464/2013 A COPY OF WHICH IS PRODUCED AT ANNEXURE-M AND THE SAME MAY BE ALLOWED AS PRAYED FOR AND DIRECT THE RESPONDENT BANK TO GIVE THE PETITIONER AN OPPORTUNITY TO COMPLY THE COMPROMISE SETTLEMENT DATED 3.11.2020 A COPY OF WHICH IS PRODUCED AT ANNEXURE-F, WHICH THE PETITIONER UNDERTAKES TO COMPLY.

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

ORDER

In this petition, the petitioner seeks the following reliefs:

> *"1. Issue a writ of certiorari or any other writ or direction quashing the impugned order dated 23.12.2022 in Appeal Diary No. 283/2021 in DRC No.7689 in OA No.464/2013 a copy of which is produced at Annexure-M and the same may be allowed as prayed for.*
>
> *2. Issue, a writ of mandamus or any other writ or direction, directing the respondent Bank to give the petitioner an opportunity to comply the compromise settlement dated 3.11.2020 a copy of which is produced*

at Annexure-F, which the petitioner undertakes to comply.

3. Issue any other writ or direction as this Hon'ble court may deem fit in the facts and circumstances of the case."

2. Though several contentions have been urged by the learned counsel for the petitioner in the present petition, having regard to the availability of effectively alternative and efficacious remedy by way of an appeal against the impugned order before the Debt Recovery Appellate Tribunal (for short "DRAT"), Chennai, without expressing any opinion on the merits/demerits of the rival contentions, I deem it just and appropriate to dispose of this petition reserving liberty in favour of the petitioner to approach the DRAT, Chennai, and file an appeal in accordance with law.

3. If such an appeal is filed within a period of four weeks from today, the petitioner would be entitled to the benefit of Section 14 of the Limitation Act, for the purpose of such an appeal. In addition thereto, the interim order passed by this Court will continue to remain in force for a further period of four weeks from today.

4. Subject to the aforesaid direction and liberty reserved in favour of the petitioner, the petition stands disposed of.

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

Pending I.As, if any, stand disposed of.

Sd/-
JUDGE

ALB
List No.: 1 Sl No.: 43