

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 27TH DAY OF APRIL 2012

BEFORE

THE HON'BLE MR. JUSTICE HULUVADI G.RAMESH

W.P. NO.3234/2012 (GM-RES) C/W
M.F.A. NO.2958/2012 (CPC)

IN W.P.NO.3234/2012

BETWEEN:

1. K.R. RAHUL,
S/O K.V. RAVISHANKAR,
AGED ABOUT 17 YEARS,
2. K.R. YATISH,
S/O K.V. RAVISHANKAR,
AGED ABOUT 7 YEARS,

BOTH THE PLAINTIFFS BEING MINOR IN AGE,
REPRESENTED THEIR MOTHER AND NATURAL
GUARDIAN, SMT. K.S. NALINI,
W/O K.V. RAVISHANKAR,
AGED ABOUT 43 YEARS,

ALL ARE RESIDING AT NO.237/E,
3RD STAGE, VIJAYANAGAR,
MYSORE-570 017.

... PETITIONERS

(BY SRI: RAMA MOHAN, ADVOCATE)

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AND:

1. M/S STATE BANK OF MYSORE,
REGION-3,
BANGALORE ZONE,
BKG COMPLEX,
AVENUE ROAD,
BANGALORE-560 009.
REPRESENTED BY ITS AUTHORISED OFFICER,
SRI K.NARAYAN RAO
2. SMT. K.V. LALITHA,
W/O LATE DR. K. VEERATHAPPA,
AGED ABOUT 68 YEARS,
RESIDING AT 869/B,
17TH 'G' MAIN, 5TH BLOCK,
RAJAJINAGAR,
BANGALORE-560 010.
3. M/S DWARAKAMAYEE SOLUTIONS PVT. LTD.,
HAVING ITS REGISTERED OFFICE AT:
NO. 2769,
13TH MAIN, 'E' BLOCK,
II STAGE, RAJAJINAGAR,
BANGALORE-560 010,
REPRESENTED BY ITS MANAGING DIRECTOR,
SMT. SINDHU S GOWDA
4. SMT. SINDHU SURESH GOWDA,
W/O SRI SURESH,
AGED ABOUT 29 YEARS,
RESIDING AT NO.2769,
13TH MAIN, 'E' BLOCK,
II STAGE, RAJAJINAGAR,
BANGALORE-560 010.

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5. SMT. GAYATHRI HANUMANTHAPPA,
W/O RAMALINGAIAH,
AGED ABOUT 51 YEARS,
RESIDING AT NO.2769,
13TH MAIN, 'E' BLOCK,
II STAGE, RAJAJINAGAR,
BANGALORE-560 010.
6. SRI J.N. VASUDEVAMURTHY,
S/O LATE B. NARAYANAPPA,
MAJOR IN AGE,
RESIDING AT NO.9, 12TH 'E' CROSS,
MUTHYALAMMANAGAR, BANDIYAPPA GARDEN,
BANGALORE-560 054.

... RESPONDENTS

(BY SRI K.S. VENKATARAMANA, ADV. FOR R1
R2, R3, R4, R5 & R6 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE
226 & 227 OF THE CONSTITUTION OF INDIA PRAYING
TO QUASH THE IMPUGNED ORDER PASSED BY THE
TRIAL COURT IN CRL.MISC. PETITION NO.8992/2011
DATED:17.01.2012 PASSED BY THE IX ADDITIONAL
CMM AT BANGALORE VIDE ANNEXURE-V.

IN M.F.A. NO.2958/2012

BETWEEN:

1. K.R. RAHUL,
S/O K.V. RAVISHANKAR,
AGED ABOUT 17 YEARS,

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2. K.R. YATISH,
S/O K.V. RAVISHANKAR,
AGED ABOUT 7 YEARS,

BOTH THE PLAINTIFFS BEING MINOR IN AGE,
REPRESENTED THEIR MOTHER AND NATURAL
GUARDIAN, SMT. K.S. NALINI,
W/O K.V. RAVISHANKAR,
AGED ABOUT 43 YEARS,

ALL ARE RESIDING AT NO.237/E,
3RD STAGE, VIJAYANAGAR,
MYSORE-570 017.

... PETITIONERS

(BY SRI: RAMA MOHAN, ADVOCATE)

AND:

1. SMT. K.V. LALITHA,
W/O LATE DR. K. VEERATHAPPA,
AGED ABOUT 68 YEARS,
RESIDING AT 869/B,
17TH 'G' MAIN, 5TH BLOCK,
RAJAJINAGAR,
BANGALORE-560 010.
2. SRI. K.V. RAVISHANKAR,
S/O LATE DR. K VEERATHAPPA,
AGED ABOUT 50 YEARS,
RESIDING AT NO.237/E,
3RD STAGE, VIJAYANAGAR,
MYSORE-570 017

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3. SRI K.V. VJAYAKUMAR,
S/O LATE DR. K. VEERATHAPPA,
AGED ABOUT 48 YEARS,
4. SRI K.V. ROHAN,
S/O VJAYKUMAR,
AGED ABOUT 7 YEARS,

REPRESENTED BY HIS
FATHER AND NATURAL GUARDIAN,
SRI K.V. VJAYAKUMAR
S/O LATE DR. K VEERATHAPPA,

DEFENDANTS 3 & 4 ARE RESIDING AT:
RESIDING AT NO.869/B,
17TH 'G' MAIN, 5TH BLOCK,
RAJAJINAGAR,
BANGALORE-560 010

5. SMT. SINDHU SURESH GOWDA,
W/O. SRI. SURESH,
AGED ABOUT 29 YEARS,
RESIDING AT NO. 2769,
13TH MAIN, 'E' BLOCK,
II STAGE, RAJAJINAGAR,
BANGALORE - 560 010
6. SMT. GAYATHRI HANUMANTHAPPA,
W/O. RAMALINGAIAH,
AGED ABOUT 51 YEARS,
RESIDING AT NO. 2769,
13TH MAIN, 'E' BLOCK,
II STAGE, RAJAJINAGAR,
BANGALORE - 560 010

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7. SRI. J.N. VASUDEVAMURTHY,
S/O. LATE B. NARAYANAPPA,
MAJOR IN AGE,
RESIDING AT NO.9, 12TH 'E' CROSS,
MUTHYALAMMANAGAR,
BANDIYAPPA GARDEN,
BANGALORE - 560 054
 8. M/S. DWARAKAMAYEE SOLUTIONS PVT. LTD.,
HAVING ITS REGISTERED OFFICE AT:
NO. 2769, 13TH MAIN, 'E' BLOCK,
II STAGE, RAJAJINAGAR,
BANGALORE - 560 010
REPRESENTED BY ITS MANAGING DIRECTOR,
SMT. SINDHU S. GOWDA.
 9. M/S. STATE BANK OF MYSORE,
SUBEDAR CHARTRAM (SC) ROAD BRANCH,
NO. 180, CENTRAL COMPLEX,
S.C. ROAD,
BANGALORE - 560 020
REPRESENTED BY ITS AUTHORIZED OFFICER
 10. SMT. PREMALATHA,
W/O. SRI. SADASHIVAIAH,
D/O. LATE K. VEERATHAPPA,
AGED ABOUT 52 YEARS,
RESIDING AT NO. 869/B,
17TH 'G' MAIN, 5TH BLOCK,
RAJAJINAGAR,
BANGALORE - 560 010
- ... RESPONDENTS

(BY SRI K.S. VENKATARAMANA, ADV. FOR R1
R2, R3, R4, R5 & R6 SERVED)

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THIS MFA IS FILED UNDER ORDER 43 RULE 1
CPC AGAINST THE JUDGEMENT AND DECREE DATED
30.01.2012 PASSED BY V ADDITIONAL CITY CIVIL
JUDGE, BANGALORE CITY IN OS NO. 8502/2011

THESE WRIT PETITION & MFA IS COMING ON
FOR ORDERS THIS DAY, THE COURT DELIVERED THE
FOLLOWING

ORDER

In the connected matter in W.P. No. 3198/2012,
this Court by order dated 29.03.2012 has directed ~~the~~
persons similarly placed to approach the Debt Recovery
Tribunal by filing such applications within one month
and the Tribunal shall dispose of the same within three
months thereafter.

2. As per Section 17 of the Securitization Act, ^{whether} ~~if~~
the petitioners are in ^{possession of the property &} ~~question~~ pursuant to a valid lease
agreement, they are required to establish ^{the same &} before the
Tribunal. In that view of the matter, these petitions
stands disposed in terms of the matter disposed of earlier
by this Court directing the petitioner to approach the

Debt Recovery Tribunal within one month. Thereafter,
Debt Recovery Tribunal to dispose of the matter in three
months.

3. MFA No. 2958/2012 stands disposed of with
a direction to ^{the appellant} approach the Debt Recovery Tribunal
within one month

Sd/-
JUDGE

ST/NAA