IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2015

BEFORE

THE HON' BLE MR. JUSTICE A.S.BOPANNA

WP NO. 6508 OF 2010(GM-RES)
C/W
WP NO.6522 OF 2010)GM-RES)

IN WP NO.6508/2010

BETWEEN:

MS.A. ARAVINDA
D/O SRI.A. ESHWARAN
AGED ABOUT 43 YEARS
R/O NO.39, RANGA RAO ROAD
SHANKARAPURAM
BENGALURU.

REPRESENTED BY HER NEXT FRIEND:
MEENAKSHI B. LOGANATHAN
D/O B. LOGANATHAN
AGED ABOUT 29 YEARS
R/A NO.39, RANGA RAO ROAD
SHANKARAPURAM
BENGALURU.

... PETITIONER

(BY SMT.VIDYULATHA – ADV.,FOR
M/S. SIVAN & SIVAN ASSTS.)

AND:

1. ICICI BANK
GENERAL MANAGER
1ST FLOOR, NEAR HOTEL EAC
KUBERA PALACE
STATION ROAD
RAICHUR – 584 101.

2. M/S SUMA OIL AGENCIES
507, PILLAMMA GARDEN, 3RD STAGE
NEAR BILAL MASJID MAIN ROAD
BENGALURU.

3. SRI. SHIVASHANKAR
NO.1008, GIRI NAGAR
2ND STAGE, BSK 3RD STAGE
BENGALURU.

... RESPONDENTS

(BY SRI JAI M. PATIL, ADV., FOR
M/S J.S. ADVOCATES & LEGAL
CONSULTANTS FOR R-1)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.MIS.NO.1453/09, CULMINATING IN ORDER DATED.16.01.2010, ON THE FILE OF THE 1ST ACMM, BENGALURU AT ANN-G TO THE WP.

IN WP NO 6522/2010

BETWEEN:

SMT. PRABHAVATHI
D/O SRI.A.ESHWARAN
AGED ABOUT 53 YEARS
R/O NO.39, RANGA RAO ROAD
SHANKARAPURAM
BENGALURU. …PETITIONER

(BY SMT.RAJAMANI, ADV.,)

AND:

1. ICICI BANK
GENERAL MANAGER
1ST FLOOR, NEAR HOTEL EAC
KUBERA PALACE
STATION ROAD
RAICHUR – 584 101.

2. M/S SUMA OIL AGENCIES
507, PILLAMMA GARDEN, 3RD STAGE
NEAR BILAL MASJID MAIN ROAD
BANGALORE.

3. SRI. SHIVASHANKAR
NO.1008, GIRI NAGAR
2ND STAGE, BSK 3RD STAGE
BANGALORE.

… RESPONDENTS

(By Sri JAI.M. PATIL, FOR
M/S J.S. ADVOCATES & LEGAL
CONSULTANTS FOR CAVEATOR R-1)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 16.01.2010 ISSUED BY THE 1ST ACMM, BENGALURU AT ANNEX-F TO THE W.P.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

:ORDER:

There is no representation on behalf of the petitioners, though the learned counsel for the respondent is present.

2. A perusal of the order sheet would disclose that this court at an earlier instance had taken note of the pendency of W.A.No.442-443/2010 between the same parties. The learned counsel for the respondent brings to the notice of this court that the said writ appeal has been dismissed by order dated 23.07.2015.

3. A perusal of the order would disclose that the same learned counsel, who is presently appearing for the petitioner and was appearing for the appellant in the said case was present and on taking note of the submission that she has no instructions to appear in the matter had dismissed the appeal. If that be the position, the situation at present in these petitions is also similar and as such, the petitions would have to be dismissed on that count.

4. However, considering the fact that the petitioners are assailing the order passed under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'Act') and at an earlier point, petitioners had been permitted to continue in possession, if the need for implementing the order passed under section 14 of the Act for the petitioners still subsists, the respondents shall issue notice to the

petitioners in that regard calling upon them to hand over physical possession in a reasonable time before implementing the order.,

In that view, the petitions stand disposed of.

Sd/-
JUDGE

Psg*