

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF DECEMBER 2021

BEFORE

THE HON'BLE MR. JUSTICE B. M. SHYAM PRASAD

WRIT PETITION No. 24314/2021 (GM-DRT)

BETWEEN:

SMT V. SHARADHA
AGED ABOUT 50 YEARS
W/O SRI D SUDARSHAN NAIDU
R/AT 7-15/1, GANGAMMA
TEMPLE STREET
VIDYAPEETHA MAIN ROAD
BSK 1ST STAGE
BENGALURU - 560 050.

.. PETITIONER

(BY SRI. PUNDIKAI ISHWARA BHAT, ADVOCATE)

AND:

MAHILA CO-OPERATIVE BANK LTD
NO.13 AND 14, SOUTH END ROAD
SHESHADRIPURAM
BENGALURU - 560 020
REPRESENTED BY ITS ASSISTANT
ACCOUNTS OFFICER
SRI KRISHNA V GARADIMANI

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER DATED 23.12.2021 PASSED BY THE
DEBTS RECOVERY TRIBUNAL-II BENGALURU ON IA
NO.2934/2021 IN SA NO 417/2021(AS PER ANNEXURE-A)

IN SO FAR AS IMPOSING CONDITION TO DEPOSIT THE SUM OF RS.10,00,000/- ON OR BEFORE 31.12.2021 AND ANOTHER SUM OF RS.15,00,000/- ON OR BEFORE 26.01.2022.

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

ORDER

The petitioner has impugned the order dated 23.12.2021 in S.A. No.417/2021 on the file of the Debts Recovery Tribunal - II, Karnataka, Bengaluru [for short, *'the Tribunal'*].

2. Sri Pundikai Ishwara Bhat, the learned counsel for the petitioner submits that the petitioner's grievance is that on 23.12.2021, the petitioner is granted only a week's time to deposit a sum of Rs.10,00,000/- with a further direction that a sum of Rs.15,00,000/- shall be paid on or before 26.01.2022 observing that if the amounts are not deposited as directed, the interim order shall stand vacated. The learned counsel for the petitioner also submits that the

petitioner shall deposit Rs.5,00,000/- on or before 31.12.2021 and the next Rs.5,00,000/- on or before 26.01.2022 and the remaining Rs.15,00,000/- within a period of thirty days therefrom.

3. This Court, on careful consideration of the submissions, and the circumstances set forth in the petition, is of the opinion that the petitioner must necessarily make an application before the Tribunal for modification of the impugned order, and to enable the petitioner to file such application for the Tribunal's consideration, the petitioner must be at liberty to deposit a sum of Rs.5,00,000/- on or before 31.12.2021 and coercive measures put off for fifteen days from 31.12.2021 for consideration of the application that the petitioner may file in terms of the submissions made before this Court.

Therefore, the petition stands disposed of with liberty as aforesaid and directing the coercive measures to be put off until 10.01.2022 subject to orders by the Debts Recovery Tribunal - II, Karnataka, Bengaluru.

**SD/-
JUDGE**

BS/AN