

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2022

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.15036 OF 2022 (GM-DRT)

BETWEEN:

1. N VENKATESH REDDY,
S/O LATE MR H M NARAYANA REDDY
AGED ABOUT 74 YEARS,
R/AT NO.401, 4TH FLOOR, A BLOCK,
SRI SAI SANNIDHI APARTMENT,
5TH MAIN, 3RD CROSS,
HEMANTH NAGAR,
CHINNAPANNAHALLI,
BENGALORE-560 037.

2. V HEMANTH KUMAR,
S/O MR N VENKATESH REDDY,
AGED ABOUT 41 YEARS,
R/AT NO.401, 4TH FLOOR, A BLOCK,
SRI SAI SANNIDHI APARTMENT,
5TH MAIN, 3RD CROSS,
HEMANTH NAGAR,
CHINNAPANNAHALLI,
BENGALORE-560 037.

3. V RAKESH,
S/O MR N VENKATESH REDDY,
AGED ABOUT 39 YEARS,
R/AT NO.401, 4TH FLOOR, A BLOCK
SRI SAI SANNIDHI APARTMENT
5TH MAIN, 3RD CROSS,
HEMANTH NAGAR,
CHINNAPANNAHALLI,
BENGALORE-560 037.

...PETITIONERS

(BY SRI. VENKATESH REDDY N, ADVOCATE A/W
SRI. SHARANJITH SHETTY K, ADVOCATE)

AND:

1. THE BANK OF BARODA
REPRESENTED BY ITS CHIEF MANAGER /
AUTHORISED OFFICER,
HBR LAYOUT, BRANCH NO.805,
2ND CROSS, 1ST BLOCK,
HBR LAYOUT KALYAN NAGAR,
BANGALORE-560 043.
(CONSTITUTED UNDER THE BANKING COMPANIES
(ACQUISTIION AND TRANSFER OF UNDERTAKING ACT,1970)
2. SRINIVAS DANDE,
S/O MR YELAMANDA DANDE,
AGED ABOUT 43 YEARS,
R/AT NO.702, 7TH FLOOR,
SNN RAJ LAKEVIEW APARTMENTS,
29TH MAIN ROAD,
BTM LAYOUT, 2ND STAGE,
BANGALORE-560 076.
3. ARUNA KANCHANA,
W/O MR SRINIVAS DANDE,
AGED ABOUT 39 YEARS,
R/AT NO.702, 7TH FLOOR,
SNN RAJ LAKEVIEW APARTMENTS
29TH MAIN ROAD, BTM LAYOUT 2ND STAGE,
BANGALORE-560 076.
4. THE DEBS RECOVERY TRIBUNAL – I,
REPRESENTED BY ITS REGISTRAR
AGED ABOUT NO.7, HAYES ROAD,
SHANTHALA NAGAR, RICHMOND TOWN,
BANGALORE-560 025.

...RESPONDENTS

(BY SRI. VIGNESH SHETTY, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-1 BANK TO NOT TO DISPOSSES OR DISTRUB THE PEACEFUL PHYSICAL POSSESSION OF THE PETITIONERS OR THEIR TENANTS FOR A PERIOD OF 60 DAYS OR 8 WEEKS FROM THE PETITION SCHEDULE PROPERTIES RESPECTIVELY AND ETC.

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

ORDER

The petitioners are knocking at the doors of writ court essentially for a direction to the respondent-Bank not to cause their eviction from the said properties for a period of one month and to restore possession if evicted. Learned Panel Counsel for the respondent-Bank although initially opposed the proposal of the petitioners, now graciously agrees that the undertaking be taken from them and a period of one month be granted for vacating the premises on their own and peaceably.

2. Learned counsel for the respondent-Bank also submits that after a period of one month, if the petitioners fail to vacate the premises in question peaceably, the police should be directed to physically remove them from the premises. To this proposal too learned counsel for the petitioners on instructions agrees.

3. The Memo filed by the learned counsel for the petitioners reads as under:

"The petitioners herein submit that the petition & their tenants herein require one month from today to vacate from the 4 schedule

properties & agree that they may be vacated after one month from today if they do not. Hence this Hon'ble Court may be pleased to take the same on record in the interest of justice & equity."

4. In the above circumstances, this petition is disposed off granting a period of one month only for the petitioners to vacate the premises on their own and peaceably. The respondent-Bank shall deliver back the said properties to the petitioners forthwith and permit their occupation as before.

If the petitioners do not abide by this undertaking, their act would amount to contempt of this Court for which action may be levied. The Jurisdictional police are directed to ensure physical removal of the petitioners from the premises in question should they fail to vacate the premises as undertaken above, by using reasonable force.

**Sd/-
JUDGE**