



CNR: KAHC010589152025

NC: 2026:KHC:39436-DB
WA No. 1485 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 1485 OF 2025 (GM-RES)

BETWEEN:

1. SRI GURUPRASAD
S/O M.V. BALAKRISHNA
AGED ABOUT 47 YEARS
R/A 35/1, SADANANDANAGAR
7TH MAIN, M.V. GARDEN
NGEF LAYOUT
BENGALURU - 560 038

...APPELLANT

(BY SRI K. VIJAYA KUMAR, ADVOCATE)

AND:

1. UNION BANK OF INDIA
ASSET RECOVERY BRANCH
BENGALURU NORTH
#1/1, 1ST FLOOR
'JEEVAN SAMPIGE'
2ND MAIN, SAMPIGE ROAD
MALLESWARAM
BENGALURU - 560 003
REPRESENTED BY ITS
AUTHORISED OFFICER





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2. SRI MANPREET SACHDEV
S/O JAGJEET SACHDEV
AGED ABOUT 51 YEARS
3. SMT. NAVADEEP SACHDEV
W/O MANPREET SACHDEV
AGED ABOUT 49 YEARS

RESPONDENTS No.2 AND 3 ARE
RESIDING AT NO.16, 3RD CROSS
HAL II STAGE, INDIRANAGAR
BENGALURU - 560 008

4. SRI N. THANGAVELU
S/O S. NEETHI GOPAL
AGED ABOUT 44 YEARS
5. SMT. RAMYA. A
W/O N. THANGGAVELU
AGED ABOUT 38 YEARS

RESPONDENT No.4 AND 5 ARE
R/A NO.009, 4TH FLOOR
SITE No. 40/41, SAI JYOTHI RESIDENCY
MANJUNATHA LAYOUT
MUNNEKOLALA, MARATHAHALLI POST
BENGALURU - 560 037

...RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 04.08.2025, PASSED IN W.P. No. 18410/2024
(GM-RES) AND CONSEQUENTLY ALLOW THE W.P. No. 18410/2024



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(GM-RES) OR PASS ANY OTHER APPROPRIATE ORDER/S WHICH THIS HON'BLE COURT DEEMS IT FIT GRANT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 04.08.2025 passed by the learned Single Judge in WP.No.18410/2024 (GM-RES). The appellant had filed the said petition impugning an order dated 13.05.2024 passed by the X ACMM Court, Bengaluru, in C.Misc.No.50001/2024. The learned ACMM had passed the said order under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [**SARFAESI Act**].



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2. The learned Single Judge had declined to entertain the petition on the ground that the appellant has an alternate remedy under Section 17 of the SARFAESI Act.

3. The learned counsel appearing for the appellant submits that the appellant is not a borrower and therefore, the remedy of Section 17 of the SARFAESI Act would not be relevant. The said contention is unmerited.

4. The opening sentence of Section 17 of the SARFAESI Act clearly indicates that the said remedy is available to any person, including the borrower, aggrieved by the action taken under Section 13(4) of the SARFAESI Act.

5. The Supreme Court has in several decisions, including in **United Bank Of India v Satyawati Tondon & Ors.**¹, **South Indian Bank Ltd. & Ors. v. Naveen Mathew Philip**² and **PHR Invent Educational Society v UCO Bank & Ors.**³ has faulted the High Court in entertaining the writ petitions in respect of matters where the Debt Recovery Tribunal or the Appellate Tribunal could

¹ (2010) 8 SCC 110

² (2023) 17 SCC 311

³ (2024) 6 SCC 579



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exercise jurisdiction under the SARFAESI Act. We find no merit in the present appeal. The same is accordingly dismissed.

6. Pending application stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

SD
List No.: 2 SI No.: 20