



CNR: KAHC010139652026

NC: 2026:KHC:41021
WP No. 6149 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 6149 OF 2026 (GM-DRT)

BETWEEN:

SMT. MAMATHA J.,
W/O. LATE SIDDESHA H.M.,
AGED ABOUT 28 YEARS,
R/AT NO.179, RAMAPURA ROAD,
VIRGONAGAR POST, HIRANDAHALLI,
BIDARAHALLI, NEAR EAST POINT COLLEGE,
BENGALURU-560 049.

...PETITIONER

(BY SRI. M.NARAYANA BHAT, ADVOCATE)

AND:

1. CLIX CAPITAL SERVICES PVT. LTD.,
FORMERLY KNOWN AS GE MONEY
FINANCIAL SERVICES PVT. LTD.,
A NON BANKING FINANCIAL COMPANY
REGISTERED UNDER THE COMPANIES ACT, 1956
6TH FLOOR, GOOD EARTH BUSINESS BAY 2,
SECTOR 58, GURUGRAM 122102,
REPRESENTED BY ITS AUTHORIZED OFFICER

2. CLIX CAPITAL SERVICES PVT. LTD.,
FORMERLY KNOWN AS GE MONEY
FINANCIAL SERVICES PVT. LTD.,
A NON BANKING FINANCIAL COMPANY
REGISTERED UNDER THE COMPANIES ACT, 1956
1ST FLOOR, TOWER-C, GOLDEN ENCLAVE,
OLD AIRPORT ROAD, BENGALURU-560 017.
REPRESENTED BY ITS BRANCH MANAGER

...RESPONDENTS

(BY SRI. CHANDRASHEKAR S.N., ADVOCATE)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.M.Narayana Bhat., counsel for the petitioner and Sri.Chandrashekar S.N., counsel for the respondents appeared in person.

2. This petition is filed seeking following reliefs:

Issue a writ of certiorari or any other appropriate writ order or direction quashing:

- (i) The order dated 03.02.2026 in CrI.Misc.No.48/2026 passed by the Hon'ble CJM, Rural court, Bengaluru, Bengaluru Rural District produced at Annexure-J.
- (ii) Court Commissioner warrant dated 13.02.2026 in CrI.Misc.No.48/2026 passed by the Hon'ble CJM Rural Court, Bengaluru Rural District produced at Annexure-L.
- (iii) The notice bearing No.Nil dated 03.01.2026 issued by the respondent No.1 produced at Annexure-K insofar as petitioner.



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- (iv) Notice bearing No. Nil dated 03.12.2025 issued by the 1st respondent produced at Annexure-H insofar as petitioner.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. Suffice it to note that the Bank had filed petition under Section 14 of the SARFAESI Act in CrI.Misc.No.48/2026 and the Court vide order dated:03.02.2026 had allowed the petition. The order passed under Section 14 of the SARFAESI Act cannot be questioned under writ jurisdiction, as there is an alternate remedy of filing an appeal before the DRT. The litigants are not remediless, as the Tribunal has been established specifically to adjudicate the *lis*. It is noted that pursuant to order under Section 14, the consequential measures are taken and the same cannot be assailed in writ petition.

It is significant to note that Article 226 is not intended to circumvent statutory procedures. When a right or liability is created by a statute which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had



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to that particular statutory remedy before seeking the discretionary remedy under Article 226. The law is also well settled that a petition under Article 226 should not be entertained unless the statutory remedies are ill-suited to meet the demands of an extraordinary situation.

Moreover, the Apex Court has also observed in the case of **UNITED BANK OF INDIA V/S. SATYAWATI TONDON AND OTHERS** that the High Courts continue to ignore the availability of statutory remedies under the DRT and SARFAESI Act and exercised jurisdiction under Article 226 for passing orders which have serious adverse impact on the right of the Banks and other financial institutions to recover their dues. We hope and trust that in future the High Courts will exercise their discretion in such matters with great caution, care and circumspection. In the present case, the petitioner instead of availing statutory remedy has hurriedly approached this Court by filing a writ petition. Hence, I decline to exercise discretionary power under writ jurisdiction. The petitioner may approach the appropriate forum if so advised and if the law permits.



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5. Accordingly, the writ petition is ***dismissed***.

Because of dismissal of the Writ Petition, interim order granted if any stands discharged and pending interlocutory applications if any are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

SS

List No.: 1 Sl No.: 18