NC: 2026:KHC-D:8495
WP No. 103697 of 2017

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 103697 OF 2017 (GM-RES)

BETWEEN:

VEERESH
S/O. SHRISHAIL HIREMATH
AGE: ABOUT 20 YEARS,
OCC: DRIVER,
R/O: HUNDEKAR GALLI,
BAGALKOTE-587101,
TQ: DIST: BAGALKOTE.

... PETITIONER

(BY SRI M.M. PATIL, ADVOCATE)

AND:

1. THE MANAGER,
   TATA MOTORS FINANCE LTD.,
   RPD CROSS, NEAR TILAKWADI,
   BELAGAVI-590002.

2. TATA MOTORS FINANCE LIMITED,
   A COMPANY INCORPORATED UNDER
   THE PROVISIONS OF THE
   INDIAN COMPANIES ACT, 1956,
   HAVING ITS OFFICE AT
   BUILDING A, 9TH FLOOR,
   LODHAL-THINK TECHNO CAMPUS,
   OFF POKHARAN, ROAD 2,

MOHANKUMAR B SHELAR

Digitally signed by MOHANKUMAR B SHELAR
Location: High Court of Karnataka, Dharwad Bench
Date: 2026.07.01 13:05:02 +0530

THANE (WEST)-400607,
REP. BY ITS AUTHORIZED OFFICER.

3. THE S.P. MANGALURU
MANGALURU DISTRICT,
MANGALURU-575001.

4. K.R.TIWARI
ADVOCATE SOLE ARBITRATOR
9, C, FIRST FLOOR,
ISLAM BUILDING,
V.N.ROAD,
OPP. AKBARALLY DEPARTMENT STORE,
FOUNTAIN,
MUMBAI-400001.

… RESPONDENTS

(BY SRI JAI PATIL, ADVOCATE FOR R1 AND R2 BY GPA HOLDER)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE INTERIM ORDER DATED 20.04.2016 BEARING ITS ARBITRATION PROCEEDING NO. TMFL/ARB/APRIL, LOT-39(2016)/592 PASSED BY THE SOLE ARBITRATOR AS PER ANNEXURE-D.

THIS PETITION, COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

1. The present petition is directed against the order dated 20.04.2016 passed by the learned Sole Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996 (for short, "the Act"), whereby interim measures came to be granted.

2. When the matter was taken up for consideration, this Court granted sufficient opportunities to the learned counsel appearing for the petitioner to secure instructions and place on record the present status of the arbitral proceedings. Despite repeated adjournments, the learned counsel fairly submitted that he has been unable to establish contact with the petitioners and, therefore, is not in a position to furnish any instructions regarding the subsequent developments in the arbitral proceedings.

3. The challenge in the present petition is confined to the interim measures granted by the learned Sole Arbitrator under Section 17 of the Act. The arbitral proceedings themselves commenced in the year 2016. Nearly a decade has elapsed thereafter and we are now in the year 2026. In the absence of any material indicating the present status of the arbitral proceedings or the fate of the arbitral award, if any, this Court finds that adjudication of the challenge to the interim order has been rendered wholly academic. The grievance that the learned Sole Arbitrator exceeded the jurisdiction conferred under Section 17 of the Act by directing seizure of the subject vehicle cannot be examined in isolation after such an inordinate lapse of time, particularly when the interim order has evidently worked itself out.

4. In view of the inability of the learned counsel to secure instructions and the apparent lack of interest

shown by the petitioners in prosecuting the matter, this Court finds no justification to undertake any further enquiry into the correctness of the impugned order.

5. Even assuming that there was any irregularity in the exercise of powers under Section 17 of the Act while granting interim measures, the subsequent passage of nearly ten years has rendered the challenge infructuous. The conduct of the petitioners in remaining absent and not even responding to their counsel disentitles them to any discretionary relief under Article 227 of the Constitution of India.

6. It is also pertinent to note that an order passed under Section 17 of the Act is appealable under Section 37(2)(b) of the Arbitration and Conciliation Act, 1996. Be that as it may, for the reasons recorded above, this Court is not inclined to exercise its

supervisory jurisdiction. Accordingly, the petition stands ***dismissed*** as having become infructuous.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

VNP / CT: GSM
List No.: 1 Sl No.: 57