

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR



**Present:** Shri S.S.Nakul,  
Deputy Commissioner,  
Uttar Kannada, Karwar.

**DCB/MAG-3/Securitization/CR-1/2015-16**

**Between**

1. Authorised Officer,  
Vijaya Bank Karwar Branch Karwar.  
(Represented through Advocate R.V.Bhat)

.... Revision Petitioner

V/s

1. Shri Santosh Dumma Tandel,  
#88, INP Road, Baithkol Karwar.
2. Shri Gangadhar Krishna Chendekar,  
Plot No. 27, Sea Bird Colony Chitakula Karwar.  
(Represented through Advocate  
Smt Renuka P Bharadwaj & Padma K Tandel )

.... Respondents

**Sub:** Application filed U/S 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SRFAESI) for enforcement of security interest in Sy No. 267/1+2 Plot No.27 an extent of 0-2-12 acre (A-G-A) situated in Chittakula village of Karwar Taluka Uttara Kannada District.

**Preamble:**

The instant case has filed Authorised Officer Vijaya Bank Udupi under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SRFAESI) praying that the suit properties be handed over to the Bank as provided u/s/ 14 of the Act, Since Respondents have defaulted in payment of the loan availed from the bank. Notices were issued to both parties.

The respondent No.1 Shri Santosh Dumma Tandel have taken loan for Rs 7.00 lakhs for the purchase of fishing boat on the terms and conditions contained agreements and executed documents in favour of Vijaya Bank Karwar Branch Karwar on 16-8-2013. Respondent No. 2 Shri Gangadhar Krishna Chendekar of Chittakula Karwar is being the guarantor had created security interest in respect of his property Sy No. 267/1+2 Plot No.27 an extent of 0-2-12 acre (A-G-A) situated in Chittakula village of Karwar Taluka.

The loan account has become Non -Performing Asset NPA on 18-5-2015. The suit land is non-agricultural land and a mortgage has been created in favour of Vijaya Bank Karwar by the respondent.

The appellant Vijaya Bank Karwar had issued notice to respondent on 19-9-2015 u/s 13(2) of SRFAESI Act 2002, with a request to repay the dues of Rs. 6,59,504/- within the 60 days period. The respondents however have failed to discharge their liability during the stipulated period. The view of the facts the Authorised Officer Vijaya Bank has requested that the suit property be handed over to the appellant Bank as contemplated u/s 14 (1) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002.



Opportunities have been provided to respondent to file objection if any on 8-8-2016 and 7-11-2016 in view of principles of natural justice. The Advocate for the respondent has not filed any objections. So it has been decided to dispose the case on merits.

The above facts clearly show that all the requirements of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 for direction u/s 14 have been met by the Vijaya Bank Karwar. This is a case of secured loan with Sy.No. 267/1+2 plot 27 an extent of 0-2-12 (A-G-A) as security as evident from the registered mortgage deed dated 16-8-2013. Further notices have been served with acknowledgement to the respondent. Therefore, under such circumstances it is fit case to direct the Tahasildar Karwar to handover the suit property to the Appellant Vijaya Bank Karwar Branch Karwar.

**ORDER**

**DCB/MAG-3/Securitization/CR-1/2015-16**

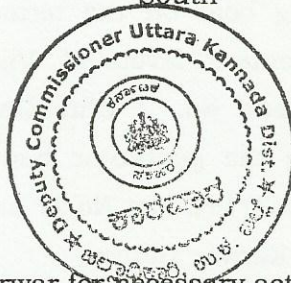
**Date: 11-11-2016.**

The petition is allowed and Tahasildar, Karwar is directed to hand over the possession of the suit property noted in the schedule, to the Authorized Officer Vijaya Bank Karwar Branch Karwar

**Schedule**

All that is part and parcel the property land and building standing in the bearing Sy. No. 267/1+2 plot No. 27 an extent of 0-2-12 (A-G-A) situated in Chittakula village of Karwar Taluk with the following boundaries.

East - Road.  
West - Plot No. 28.  
North - Plot No. 12.  
South - Plot No. 32.



*[Handwritten Signature]*  
11/11/16  
**Deputy Commissioner,  
Uttara Kannada, Karwar.**

**To,**

1. Tahasildar Karwar for necessary action.
2. Shri Santosh Dumma Tandel, #88, INP Road, Baithkol Karwar.
3. Shri Gangadhar Krishna Chendekar, Plot No. 27, Sea Bird Colony Chitakula Karwar.