

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

Present: Dr. Harish Kumar K., I.A.S.  
Deputy Commissioner,  
Uttar Kannada, Karwar.

No.DCB/MAG-3/Securitisation/CR-08/2018-19

**Between**

1. Mr. Raghurajan,  
The Authorised Officer,  
State Bank of India,  
RBO-5 Janaki Plaza, 3<sup>rd</sup> Floor,  
Dr. Pikle Road Karwar.  
(Represented through Advocate Sri.P S Bhat)

V/s

1. M/s Maruthi Drinking Water  
Bottling & Packaging Prop Smt Baghyalakshmi  
Hittalakki W/o Shri Ashok Hittalakki  
At: Tattihalli Village Mundgod Taluka.

.... Petitioner

.... Respondent

**Sub:** Application filed U/S 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SRFAESI) for enforcement of security interest in Property No. 45 an extent of 5445 Sq.ft. situated in Gunjavati village of Mundgod Taluka, Uttar Kannada District.

**Preamble:**

The instant case has filed by Authorised Officer State Bank of India, Karwar Branch, Karwar under Securitisation 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 sides.

The respondent Smt Smt Baghyalakshmi Hittalakki W/o Shri Ashok Fakkirappa Hittalakki have taken loan of Rs. 5,00,000/- for Business purpose on the terms and conditions contained agreements and executed documents in favour of State Bank of India, Mundgod Branch, Mundgod on 15-9-2015 mortgaging his land Property No. 45 an extent of 5445 Sq.ft. situated in Gunjavati village of Mundgod Taluka.

The loan account has become Non -Performing Asset NPA on 23-01-2016. The suit land is non-agricultural land and a mortgage has been created in favour of State Bank of India, Mundgod Branch Mundgod by the respondent.

The appellant State Bank of India, Karwar Branch Karwar had issued statutory demand notice to the defaulter on 27-07-2018 u/s 13(2) of SRFAESI Act 2002, with a request to repay the dues of Rs. 7,14,366/- with the 60 days period. The respondent however has failed to discharge his liability during the stipulated period. The view of the facts the Authorised Officer, State Bank of India, Karwar Branch, Karwar has requested that the Suit property be handed over to the

appellant Bank as contemplated u/s 14 (1) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002.

The respondent was given time to file written arguments but he did not file any written argument in the stipulated time.

After going through the records, it clearly shows that all the requirements of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 for direction u/s 14 have been met by State Bank of India, Karwar Branch, Karwar. An affidavit is also filled by the appellant bank u/s 14(1) of SRFAESI Act. This is a case of secured loan with Property No. 45 an extent of 5445 Sq.ft as security as evident from the registered mortgage deed dated 15-9-2015. Further notices have been served with acknowledgement to the respondent, other objections raised in so far about evasion of stamp duty etc is not under consideration in this case. Therefore, under such circumstances it is fit case to direct the Tahasildar Mundgod to handover the suit property to the Appellant State Bank of India, Karwar Branch, Karwar.

### ORDER

**DCB/MAG-3/Securitisation/CR-08/2018-19**

**Date: 15-07-2019.**

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

### Schedule

All that is part and parcel the property land and building standing in the bearing Property No. 45 an extent of 5445 Sq.ft situated in Gunjavati village of Mundgod Taluka with the following boundaries.

East - Agriculture Land  
West - Road  
North - Agriculture Land  
South - House of Suresh G Hattihalli

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 15-07-2019)



**Deputy Commissioner,  
Uttara Kannada, Karwar.**

### Copy to

1. Advocate Sri. P S Bhat for information.
2. Tahasildar Mundgod for information and necessary action
3. Authorised Officer, State Bank of India, Karwar Branch, Karwar for information.
4. Smt Baghyalakshmi Hittalakki W/o Shri Ashok Fakkirappa Hittalakki, At: Tattihalli Village Mundgod Taluka for information.