

**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-09/2018-19**

**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)



.... **Petitioner**

V/s

1. Shri. Hari Bangarayya Naik  
R/o Karaginakoppa, Sirsi Road,  
Taluk: Mundgod.

.... **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. 167 an extent of 5280 Sq.ft. situated in Karaginakoppa 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 Shri Hari Bangarayya Naik, Karaginakoppa, Mundgod Taluka have taken loan of Rs. 4,10,000/- as home loan on the terms and conditions contained agreements and executed documents in favour of State Bank of India, Mundgod Branch, Mundgod on 27-07-2010 mortgaging his land Property No. 167 an extent of 5280 Sq.ft. situated in Karaginakoppa village of Mundgod Taluka.

The loan account has become Non -Performing Asset NPA on 31-05-2018. 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. 3,89,337/- 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.

Handwritten signature or initials.

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. 167 an extent of 5280 Sq.ft as security as evident from the registered mortgage deed dated 27-7-2010. 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-09/2018-19**

**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. 167 an extent of 5280 Sq.ft situated in Karaginakoppa village of Mundgod Taluka with the following boundaries.

East - Somalavva D Lamani  
West - Gangavva Sankrappa Lamani  
North - Palekar area  
South - Road

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



**Deputy Commissioner,  
Uttara Kanhada, Karwar.**

### Copy to

1. Advocate Sri P S Bhat for information
2. Tahasildar Mundgod for necessary action
3. Authorised Officer, State Bank of India, Karwar Branch, Karwar for information.
4. Sri. Hâri Bangarayya Naik R/o Karaginakoppa, Sirsi Road, Mundgod Taluka for information.