

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-02/2019-20

Between

1. Shri Raghurajan,
The Authorised Officer,
State Bank of India,
PBO-5 Janaki Plaza, 3rd Floor,
Dr. Pikle Road Karwar.
(Represented through Advocate Sri. P S Bhat)

.... Petitioner

V/s

1. Smt Mala Suresh Naik
W/o Suresh Shakrappa Naik
R/o Near Kshetrapal Temple Gosaviwada,
Sadashivgad, Karwar Taluka
(Represented through Advocate Sri. S Ravi Belurkar)

.... 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 of Sy No. 157/4B an extent of 0-4-0(A-G-A) situated in Chittakula Village of Karwar Taluka, Uttar Kannada District.

Preamble:

The instant case has filed by Authorised Officer State Bank of India, Regional office 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 Mala Suresh Naik R/o Near Kshetrapal Temple Gosaviwada, Sadashivgad, Karwar Taluka have availed loan of Rs.5,10,000/- as Home loan on the terms and conditions contained agreements and executed documents in favour of State Bank of India, Chittakula Branch, Karwar on 20-08-2013 mortgaging his land Sy No. 157/4B an extent of 0-4-0(A-G-A) situated in Chittakula Village of Karwar Taluka.

The loan account has become Non -Performing Asset NPA on 29-10-2018. The suit land is non-agricultural land and a mortgage has been created in favour of State Bank of India, Chittakula Branch, Karwar by the respondent.

The appellant State Bank of India, Chittakula Branch, Karwar had issued statutory demand notice to the defaulter on 15-12-2018 u/s 13(2) of SRFAESI Act 2002, with a request to repay the dues of Rs.3,53,447/- with the 60 days period. The respondent however has failed to discharge his liability during the stipulated

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period. The view of the facts the Authorised Officer State Bank of India, Regional office 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 nor his advocates 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, Chittakula 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 Sy No. 157/4B an extent of 0-4-0(A-G-A) as security as evident from the registered mortgage deed dated 26-8-2013. 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 Karwar to handover the suit property to the Appellant Authorised Officer, State Bank of India, Regional office Karwar.

ORDER

DCB/MAG-3/Securitisation/CR-02/2019-20

Date: 09-09-2019.


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

Schedule

All that is part and parcel the property land and building standing in the bearing Sy No. 157/4B an extent of 0-4-0(A-G-A) situated in Chittakula Village of Karwar Taluka with the following boundaries.

East - Property of Sanjeev Raikar
West - 12 ft Road
North - Property of Vishnu Vithoba Rane
South - Property of Vishnu Vithoba Rane

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 09-09-2019)


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

Copy to

1. Advocate Sri P. S Bhat and Sri. S Ravi Belurkar for information
2. Tahasildar Karwar for necessary action
3. Authorised Officer State Bank of India, Regional office Karwar for information.
4. Smt Mala Suresh Naik R/o Near Kshetrapal Temple Gosaviwada, Sadashivgad, Karwar Taluka for information.