

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-14/2019-20

Between

1. Authorized officer and Chief Manager,
Syndicate Bank, Regional office Karwar
(Represented through Advocate Sri.Mallikarjun Gouda)

.... Petitioner

V/s

1. Sri. Gajendra Hanumant Naik
R/o Kenivada Hattikeri, Aversa
Taluk: Ankola
2. Smt Sangeeta Gajendra Naik
R/o Kenivada Hattikeri, Aversa
Taluk: Ankola

.... 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. 44/11 an extent of 0-0-14(A-G-A) and Sy No. 44/5 an extent of 0-3-6(A-G-A) situated in Aversa Village of Ankola Taluka, Uttar Kannada District.

Preamble:

The instant case has filed by Authorised Officer and Chief Manager, Syndicate Bank, 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 respondents Sri. Gajendra Hanumant Naik and Smt Sangeeta Gajendra Naik both are R/o Kenivada Hattikeri, Aversa Taluk Ankola have availed loan of Rs. 5,50,000/- as Housing loan on the terms and conditions contained agreements and executed documents in favour of Syndicate Bank Aversa Branch Ankola on 8-9-2016 mortgaging his land Sy No. 44/11 an extent of 0-0-14(A-G-A) and Sy No. 44/5 an extent of 0-3-6(A-G-A) situated in Aversa Village of Ankola Taluka.

The loan account has become Non -Performing Asset NPA on 30-10-2017 The suit land is non-agricultural land and a mortgage has been created in favour of Regional Manager Syndicate Bank R. O Karwar by the respondent.

The appellant Regional Manager Syndicate Bank R. O Karwar had issued statutory demand notice to the defaulter on 28-11-2017 u/s 13(2) of SRFAESI Act 2002, with a request to repay the dues of Rs.4,19,024/- 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 and Chief Manager, Syndicate Bank, Regional office Karwar has requested that the Suit property be handed over to

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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 Authorised Officer and Chief Manager, Syndicate Bank, Regional office 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. 44/11 an extent of 0-0-14(A-G-A) and Sy No. 44/5 an extent of 0-3-6(A-G-A) as security as evident from the registered mortgage deed dated 5-10-2016. 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 Ankola to handover the suit property to the Appellant Authorised Officer and Chief Manager, Syndicate Bank, Regional office Karwar.

ORDER

DCB/MAG-3/Securitisation/CR-14/2019-20

Date: 09-09-2019.

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

Schedule

All that is part and parcel the property land and building standing in the bearing Sy No. 44/11 an extent of 0-0-14(A-G-A) and Sy No. 44/5 an extent of 0-3-6(A-G-A) situated in Aversa Village of Ankola Taluka with the following boundaries.

Property No. 1-Sy No. 44/11 an extent of 0-0-14(A-G-A),

East - Boundary of Sy No. 44/5
West - Boundary of Sy No. 44/5
North - Boundary of Sy No. 44/5
South - Boundary of Sy No. 44/6

Property No. 2- Sy No. 44/5 an extent of 0-3-6(A-G-A)

East - Boundary of Sy No. 44/8,9,10
West - Boundary of Sy No. 44/2
North - Boundary of the Road
South - Boundary of Sy No. 44/11 and 44/6

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

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

Copy to

1. Advocate Sri. Mallikarjun Gouda for information
2. Tahasildar Ankola for necessary action
3. Authorised Officer and Chief Manager, Syndicate Bank, Regional office Karwar for information.
4. Sri. Gajendra Hanumant Naik R/o Kenivada Hattikeri, Aversa Taluk Ankola for information.
5. Smt Sangeeta Gajendra Naik ,R/o Kenivada Hattikeri, Aversa Taluk Ankola for information.