

**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-38/2019-20**

**Between**

1. Regional Manager,  
Regional Office Syndicate House  
Main Road Karwar.  
(Represented through Advocate Shri P B Tandel)

V/s

1. Shri Sanjeev Yadoba Kharvi  
R/o INP Road Baithkol , Taluk: Karwar



.... **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 of Sy No. 1466/3K an extent of 0-3-0(A-G-A) situated in Baad Village of Karwar Taluka, Uttara Kannada District.

**Preamble:**

The instant case has filed by Regional Manager, Syndicate Bank 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. Sanjeev Yadoba Kharvi R/o Baithkol, Taluk: Karwar have availed loan of Rs.85,50,000/- as fishing business loan on the terms and conditions contained agreements and executed documents in favour of Regional Manager, Syndicate Bank Karwar on 12-05-2016 mortgaging his land Sy No. 1466/3K an extent of 0-3-0(A-G-A) situated in Baad Village of Karwar Taluka.

The loan account has become Non -Performing Asset NPA on 30-04-2018. The suit land is non-agricultural land and a mortgage has been created in favour of Regional Manager, Syndicate Bank Karwar by the respondent.

The appellant Regional Manager, Syndicate Bank Karwar had issued statutory demand notice to the defaulter on 7-5-2018 and 10-08-2018 u/s 13(2) of SRFAESI Act 2002, with a request to repay the dues of Rs.83,55,142/- with the 60 days period. The respondent however has failed to discharge his liability during the stipulated period. The view of the facts the Regional Manager, Syndicate Bank 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 Regional Manager, Syndicate Bank 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. 1466/3K an extent of 0-3-0(A-G-A) as security as evident from the registered mortgage deed dated 12-05-2016. 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 Karwar to handover the suit property to the Appellant Regional Manager, Syndicate Bank Karwar.

**ORDER**

**DCB/MAG-3/Securitisation/CR-38/2019-20**

**Date: 25-11-2019.**

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

**Schedule**

All that is part and parcel the property land and building standing in the bearing Sy No. 1466/3K an extent of 0-3-0(A-G-A) situated in Baad Village of Karwar Taluka with the following boundaries.

East - Sy no. 238  
West - Sy no. 1466/3B, road for exclusively for use of scheduled land  
North - Sy No 1466/2  
South - Sy No . 1466/3A

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 25-11-2019)



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

**Copy to**

1. Advocate Sri P B Tandel for information
2. Tahasildar Karwar for necessary action
3. Regional Manager, Syndicate Bank Karwar for information.
4. Sri. Sanjeev Yadoba Kharvi R/o INP Road Baithkol , Taluk: Karwar for information.

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