

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-07/2018-19

Between

1. Mr. Jabbar Ahmed Sarwad
The Authorised Officer,
State Bank of India,
Lenin Road Dandeli
(Represented through Advocate Sri.P S Bhat)

.... Petitioner

V/s

1. Jennifer Alfred Sorna & Co
Borrower Alfred Joseph Sorna
R/o No. 1930 Kannada School Back Side,
Gandhinagar, Dandeli.

.... 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. 1B/1930 plot No. 200 an extent of 600 Sq.ft. situated in Dandeli village of Dandeli Taluka, Uttara Kannada District.

Preamble:

The instant case has filed by Authorised Officer State Bank of India, Dandeli Branch, Dandeli 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 Jennifer Alfred Sorna & Co Borrower Alfred Joseph Sorna Dandeli have taken loan of Rs.7,00,000/- as home loan on the terms and conditions contained agreements and executed documents in favour of State Bank of India, Dandeli Branch, Dandeli on 25-06-2016 mortgaging his land Property No. 1B/1930 plot No. 200 an extent of 600 Sq.ft. situated in Dandeli village of Dandeli Taluka.

The loan account has become Non -Performing Asset NPA on 3-10-2017. The suit land is non-agricultural land and a mortgage has been created in favour of State Bank of India, Dandeli Branch, Dandeli by the respondent.

The appellant State Bank of India, Dandeli Branch, Dandeli had issued statutory demand notice to the defaulter on 15-9-2017 u/s 13(2) of SRFAESI Act 2002, with a request to repay the dues of Rs. 7,11,584/- 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, Dandeli Branch, Dandeli 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.

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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, Dandeli Branch, Dandeli. 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. 1B/1930 plot No. 200 an extent of 600 Sq.ft. as security as evident from the registered mortgage deed dated 27-10-2016. 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 Dandeli to handover the suit property to the Appellant State Bank of India, Dandeli Branch, Dandeli.

ORDER

DCB/MAG-3/Securitisation/CR-07/2018-19

Date:19 -08-2019.

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

Schedule

All that is part and parcel the property land and building standing in the bearing Property No. 1B/1930 plot No. 200 an extent of 600 Sq.ft. situated in Dandeli village of Dandeli Taluka with the following boundaries.

East - Road
West - CMC Site
North - Site No. 201
South - Site No. 202

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 19-08-2019)



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

Copy to

1. Advocate Sri P S Bhat for information
2. Tahasildar Dandeli for necessary action
3. Authorised Officer, State Bank of India, Dandeli Branch, Dandeli for information.
4. Jennifer Alfred Sorna & Co Borrower Alfred Joseph Sorna Dandeli Village Dandeli Taluka for information.