

**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-11/2018-19**



**Between**

1. Mr. K Ratnakar Hebbar,  
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. Sri. Mohammed Hussain AH Shaikh  
R/o Karwar CMC Ho. No. 271/C  
Behind Arjun Talkies Unity Colony Kajubag Karwar
2. Smt Shahnawaz Mohammed Hussain Shaikh  
Guarantor and POA holder of  
Mohammed Hussain A H Shaikh  
Karwar CMC Ho. No. 2711/C  
Behind Arjun Talkies Unity Colony Kajubag Karwar  
(Represented through Advocate Smt. B Jayanti Krishnamurthy)

**.... Respondents**

**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. 96B/1 an extent of 0-2-4(A-G-A) situated in Baad-I Village of Karwar Taluka, Uttara 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 Mohammed Hussain AH Shaikh, R/o Behind Arjun Talkies Unity Colony Kajubag Karwar have availed loan of Rs.30,00,000/- as housing loan on the terms and conditions contained agreements and executed documents in favour of State Bank of India, Karwar Branch, Karwar on 21-03-2016 mortgaging his land Sy No. 96B/1 an extent of 0-2-4(A-G-A) situated in Baad-I Village of Karwar Taluka.

The loan account has become Non -Performing Asset NPA on 16-01-2018. The suit land is non-agricultural land and a mortgage has been created in favour of State Bank of India, Karwar Branch, Karwar by the respondent.

The appellant State Bank of India, Karwar Branch, Karwar had issued statutory demand notice to the defaulter on 05-3-2018 u/s 13(2) of SRFAESI Act 2002, with a request to repay the dues of Rs.24,90,026/- with the 60 days period

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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.

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 Sy No. 96B/1 an extent of 0-2-4(A-G-A) as security as evident from the registered mortgage deed dated 04-7-2016. 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 State Bank of India, Karwar Branch, Karwar.

**ORDER**

**DCB/MAG-3/Securitisation/CR-11/2018-19**

**Date: 26-08-2019.**

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, Karwar Branch, Karwar.

**Schedule**

All that is part and parcel the property land and building standing in the bearing Sy No. 96B/1 an extent of 0-2-4(A-G-A) situated in Baad-I Village of Karwar Taluka with the following boundaries.

East - Sy Boundary  
West - Path way  
North - Sy Boundary  
South - Remaining part of land

(Order dictated to the Stenographer, computerized, verified and pronounced in open court on 26-08-2019)



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

**Copy to**

1. Advocate Sri P. S Bhat, and Smt. B Jayanti Krishnamurthy for information
2. Tahasildar Karwar for necessary action
3. Authorised Officer State Bank of India, Karwar Branch, Karwar for information.
4. Sri. Mohammed Hussain AH Shaikh, R/o Karwar CMC Ho. No. 271/C, Behind Arjun Talkies Unity Colony Kajubag Karwar for information.