

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-12/2019-20

**Between**

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

.... Petitioner

V/s

1. Smt Sunita Yane Suniti Shridhar Kamat  
Prop: Shri Shantadurga Cashew Industries  
R/o Near Devaki Krishna Temple Herwatta,  
Taluk: Kumta

.... 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. 102/A/2A1A an extent of 0-6-8(A-G-A), situated in Kalkeri Village of Kumta Taluka, Sy No. 103/1+3B an extent of 0-2-0(A-G-A), situated in Hosaherwatta Village of Kumta Taluka and Sy No. 102/1A an extent of 0-19-8(A-G-A), situated in Kalkeri Village of Kumta 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 respondent Smt. Sunita Yane Suniti Shridhar Kamat R/o Devaki Krishna Temple Herwatta, Taluk Kumta have availed loan of Rs.1,65,00,000/- as Business loan on the terms and conditions contained agreements and executed documents in favour of Syndicate Bank Kumta Branch Kumta on 16-11-2015 mortgaging his land Sy No. 102/A/2A1A an extent of 0-6-8(A-G-A), situated in Kalkeri Village of Kumta Taluka, Sy No. 103/1+3B an extent of 0-2-0(A-G-A), situated in Hosaherwatta Village of Kumta Taluka and Sy No. 102/1A an extent of 0-19-8(A-G-A), situated in Kalkeri Village of Kumta 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 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 16-11-2018 u/s 13(2) of SRFAESI Act

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2002, with a request to repay the dues of Rs.1,67,33,383.75/- 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 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. 102/A/2A1A an extent of 0-6-8(A-G-A), situated in Kalkeri Village of Kumta Taluka, Sy No. 103/1+3B an extent of 0-2-0(A-G-A), situated in Hosaherwatta Village of Kumta Taluka and Sy No. 102/1A an extent of 0-19-8(A-G-A), situated in Kalkeri Village of Kumta Taluka as security as evident from the registered mortgage deed dated 21-12-2017. 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 Kumta to handover the suit property to the Appellant Authorised Officer and Chief Manager, Syndicate Bank, Regional office Karwar.

#### **ORDER**

**DCB/MAG-3/Securitisation/CR-12/2019-20**

**Date:09-09-2019.**

The petition is allowed and Tahasildar, Kumta 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 with the following boundaries.

1) Sy No. 102/A/2A1A an extent of 0-6-8(A-G-A), situated in Kalkeri Village of Kumta Taluka.

East - Boundary of Hissa No.2A1B  
West - Boundary of Sy No. 103  
North - Boundary of Hissa No.2B and 2A2  
South - Boundary of Hissa No.1.


2) Sy No. 103/1+3B an extent of 0-2-0(A-G-A), situated in Hosaherwatta Village of Kumta Taluka.

East - Boundary of Sy No. 103/1+3A  
West - Boundary of Sy No. 103/1+3A  
North - Survey Boundary  
South - Boundary of Sy No. 103/1+3A

3) Sy No. 102/1A an extent of 0-19-8(A-G-A), situated in Kalkeri Village of Kumta Taluka.

East - Boundary of Same Sy No.  
West - State Highway  
North - Boundary of Same Sy No.  
South - Boundary of Sy No. 102/1B

(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. Mallikarjun Gouda for information
2. Tahasildar Kumta for necessary action
3. Authorised Officer and Chief Manager, Syndicate Bank, Regional office Karwar for information.
4. Smt. Sunita Yane Suniti Shridhar Kamat, Prop: Shri Shantadurga Cashew Industries R/o Devaki Krishna Temple Herwatta, Taluk Kumta for information.

