

23.04.2026

Petitioner

Orders

This case is called and orders pronounced in the Open Court as
under

ORDERS

This petition is filed under section 14 of the securitization & reconstruction of financial assets & enforcement of security interest act, 2002 by the petitioner against the respondents seeking an order to take possession of the petition schedule "C" property bearing a two Bedroom Apartment / Flat bearing No. B-2 BBMP Municipal No.8/5, PID No.57-26-8/5 in First Floor, measuring 1120 Square Feet of super built up area with vitrified tiles flooring one covered car parking place, part of residential apartment known as "Sri Krishna Residency" constructed at Schedule "A" property along with all the rights to the common areas and easements and the flat is held in the name of "Smt. G.S Nagarathna W/o K.H.Suresh Reddy (hereinafter called as "the petition schedule "C" property"). The description of Schedule "A" and "B" properties are piece and parcel of immovable property bearing No.56/5-8, PID No.57-2656/5-8, situated at 9th Cross, J P Nagar, 1st Phase, BBMP Ward No.178-Sarakki, Bangalore, measuring East to West: 67.5 Feet and North to South:80 Feet and in all totally measuring 5400 Square Feet and bounded as follows: East by: Property belongs to Sri. Venkateshwara Builders, West by: 39 Main Road, North by: 9th

“A” Cross Road, South by: 9th “B” Cross Road and Schedule “B” property which is the undivided Share, right, title interest and share to the extent of 290 Square Feet in the vital area of the Schedule “A” Property. The petitioner prays to pass an order to direct the Jurisdictional police authorities to give protection and to assist the Petitioner bank in taking possession, seizing and breaking open of the secured property if in locked condition as described above by the authorized Officer of the Petitioner Bank as provided in the Act and the security interest (Enforcement Rules framed there under) and to appoint Sri. Prapul K.S, Advocate as Court Commissioner to execute the orders passed by this Court in taking physical possession and handing over the same to the Petitioner bank and to pass such other orders as this Court deems fit in the circumstances of the case and in the ends of Justice.

2. According to the petitioner, the respondents have approached the petitioner and obtained mortgage loan for purchase of petition schedule “C” property for Rs.75,00,000/- on 30.11.2021 repayable in 360 EMIs and executed the loan Agreement and agreed to the terms and conditions of the Loan Agreement by way of Deposit of Title Deeds in favour of the petitioner. After obtaining the loans, the respondents have failed to make payment and they became defaulters. On 13.08.2025 the loan account was classified as NPA. The petitioner has issued Demand Notice on 26.10.2025 to repay the outstanding amount of Rs.75,36,796/- as on 26.10.2025 and sent through

RPAD which was duly served on the respondents. However, the respondents failed to discharge the liability. They also issued Possession Notice on 09.01.2026 and published in two vernacular daily newspapers. The outstanding as on 20.02.2026 is Rs.76,34,556/- with future interest and other charges.

3. The petition is supporting with the affidavit of the Authorized Officer of the petitioner Bank. The learned Counsel for the petitioner filed Original documents relied by the petitioner.

4. I have carefully read the petition averments, its annexed affidavit and the documents placed before this Court in support of the case of the petitioner Bank.

5. On careful perusal of the available materials, this Court is satisfied that the petitioner is a secured creditor, the respondents are the secured obliger and that the petition schedule "C" property is a secured asset for the credit facilities availed within the meaning of the provisions of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002. I am also satisfied that the petitioner Bank has issued 60 days Demand Notice as per Section 13(2) of the Act and that the respondents have not paid the said due loan amount to the petitioner bank in spite of due service of the said Demand Notice. Therefore, the petitioner Bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues. Under these

circumstances, the petitioner bank is entitled for the relief under Section 14 of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002. Accordingly, a Court Commissioner is to be appointed to execute the order of the Court. Hence, I proceed to pass the following:-

ORDERS

The petition filed by the petitioner under Section 14 of Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 is hereby allowed as prayed.

The petitioner Bank is entitled to take possession of the petition schedule "C" property towards satisfaction of its due from the respondents as prayed in the petition.

Since, the appointment of Sheristedar or any officers of this Court as Court Commissioner is leading to hampering of public duty of this Court, it is just and necessary to appoint an Advocate Sri.Prapul K.S., Advocate, Enrollment No.KAR/2382/2023 as Court Commissioner to take possession of the petition schedule "C" property.

The Court Commissioner is hereby directed to take possession of the petition schedule "C" property towards the satisfaction of the due of

the petitioner Bank from the respondents with the assistance of jurisdictional police, to break open the lock of the petition schedule "C" property if situation warrants, by conducting inventory and Panchanama and to report the same as early as possible as per the memo of instruction.

Further, petitioner bank is directed to forthwith furnish memo of instructions to the Court Commissioner.

It is hereby further ordered that direct the jurisdictional Station House Officer to give necessary assistance to the petitioner bank while taking possession of the petition schedule "C" property from the respondents.

The petitioner bank shall bear the legal expenses if any incurred in this regard.

Commissioner fee is fixed at Rs.5,000/-, which will be forthwith deposited by the bank.

Issue Commissioner Warrant and Office is directed to return the original documents to the authorized person of petitioner bank

or to its counsel on due verification.

(Typed by the Stenographer in the Court computer on my direct dictation, printout taken, corrected, signed and then pronounced by me in the open court on 23.04.2026)

23.04.2026

(SAHEEL AHMED.S.KUNNIBHAVI)
II ACJM, Bengaluru City.