

Date: 10.07.2026

Case called. Petitioner is present/absent.
Order pronounced as under in the Open Court.

The petitioner, Canara Bank Limited., represented by its General Manager/Authorized Officer, has presented this petition U/sec.14 of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act 2002 to pass an Order to take possession of the property with buildings if any, all that part and parcel of properties as follows:

Suit schedule properties:-

1. All that piece and parcel of the Mangalore Tiled School Building constructed on the Site measuring 238x39' Sq feet, situated at Chilur village, Govinakovi hobali, taluk bearing K.No.418/1, bounded East: Site bearing K.No.418 – Petrol Bunk, West: Site bearing K.No.418/2 belongs to Sumitramma, North: Land of Shivmurthappa and South: Lands of Halappa.
2. All that piece and parcel of the school buildings property measuring 238x43' Sq feet, situated at Chilur village, Govinakovi hobli, Honnali Taluk, bearing K.No.418/2 and bounded East: Site bearing K.No.418/1 belong to Sumitramma, West: Site bearing K.No.418/3 belong to Sumitramma, North: Land of Shivamurthappa and South Land of Halappa.
3. All that piece and parcel of the site and school building property measuring 119x82 sq feet situated at Chilur village, Govinakovi hobli,

Honnali taluk, bearing K.No.418/3 and bounded East: Site bearing No.418/2 belongs to Sumitramma, West: Site No.418/4 belongs to Sumitramma, North: Land of Shivamurthappa and South: Land of Halappa.

4. All that piece and parcel of the site and school building property measuring 93x23 Sq. feet situated at Chiluru village, Govinakovi hobli, Honnali taluk, bearing K.No.418/4 and bounded East: Site bearing No.418/23 belongs to Sumitramma, West: Panchayath Road, North: Land of Shivamurthappa and South: Land of Halappa.

5. All that part and parcel of the vacant site property measuring 134x82' Sq. ft situated at Chilur village, Govinakovi hobli, Honnali taluk, K.No.418/5 and bounded East: Site bearing K.No.418/4 belongs to Sumitramma, West: Road, North: Land of Shivamurthappa and South: Land of Hallappa: morefully described in Schedule (here-in afterwards referred to as Petition Schedule Property).

2. In the petition, it is stated that the respondents are owners of the Petition Schedule Property. They availed housing loan from the petitioner bank. They have executed loan agreement etc. by creating charge in respect of the property bearing all that part and parcel of properties as follow:

Suit schedule properties:-

1. All that piece and parcel of the Mangalore Tiled School Building constructed on the Site measuring 238x39' Sq feet, situated at Chilur village, Govinakovi hobali, taluk bearing K.No.418/1, bounded East: Site bearing K.No.418 – Petrol Bunk, West: Site bearing K.No.418/2 belongs to Sumitramma, North: Land of Shivmurthappa and South: Lands of Halappa.

2. All that piece and parcel of the school buildings property measuring 238x43' Sq feet, situated at Chilur village, Govinakovi hobli, Honnali Taluk, bearing K.No.418/2 and bounded East: Site bearing K.No.418/2 and bounded East: Site bearing K.No.418/1 belong to Sumitramma, West: Site bearing K.No.418/3 belong to Sumitramma, North: Land of Shivamurthappa and South Land of Halappa.

3. All that piece and parcel of the site and school building property measuring 119x82 sq feets situated at Chilur village, Govinakovi hobli, Honnali taluk, bearing K.No.418/3 and bounded East: Site bearing No.418/2 belongs to Sumitramma, West: Site No.418/4 belongs to Sumitramma, North: Land of Shivamurthappa and South: Land of Halappa.

4. All that piece and parcel of the site and school building property measuring 93x23 Sq. feets situated at Chiluru village, Govinakovi hobli, Honnali taluk, bearing K.No.418/4 and bounded East: Site bearing No.418/23 belongs to Sumitramma, West: Panchayath Road, North: Land of Shivamurthappa and South: Land of Halappa.

5. All that part and parcel of the vacant site property measuring 134x82' Sq. ft situated at Chilur village, Govinakovi hobli, Honnali taluk, K.No.418/5 and bounded East: Site bearing K.No.418/4 belongs to Sumitramma, West: Road, North: Land of Shivamurthappa and South: Land of Hallappa. In spite of request as well as issue of several remainders, the respondent failed to repay the said loan as per terms and conditions of the loan document. The respondents have deposited the title deeds of the Petition Schedule Property and mortgaged the same towards the said loan. Therefore, the Petition Schedule Property is a secured asset as per the SARFAESI Act. The respondents have not repaid the said loans even after service of paper publication of the possession notice 27.10.2025. Therefore, this petition.

3. I have carefully perused the documents placed before the Court in support of the case of the petitioner Bank. On careful perusal of the available materials, this Court is satisfied that the petitioner is a secured creditor that the respondent is the secured obligator and that the Petition Schedule Property is a secured debt asset within the meaning of provisions of the Act. I am also satisfied that the petitioner Bank has issued paper publication notice in The Times of India and Vijaya Karnataka on 30.10.2025 as provided U/sec.13(2) of the Act and that the respondent has not paid the said loan due amount to the petitioner Bank.

4. Further, the petitioner/Secured Creditor to substantiate its aforesaid contentions has relied upon below mentioned documents:-

1. Copy of Appointment Letter of Authorized Officer.
2. Copy of Loan Application Form.
3. Copy of Loan Agreement.
4. Copy of Loan Sanction Letter.
5. Copy of Memorandum of Deposit Title deeds.
6. Copy of the Demand Notice U/Sec.13(2) Notice.
7. Copy of Postal acknowledgment of Sec.13(2) notice.
8. Copy of the U/sec. 13(4) Possession Notice dated.
9. Copy of the Postal acknowledgment of Sec.13(4) possession notice.
10. Copies of the extracts of the paper publications of the possession notice in two leading newspapers.
11. Copy of the photos of affixing the Possession notice on the Secured Asset.
12. Copy of the CERSAI certificate.
13. Copy of the Account Statement.
14. Copy of the Court commissioner appoint memo.

5. On careful perusal of the facts and circumstances of this case as well as the law laid down by your Hon'ble High Court in "Punjab and

Sindh Bank V/s. M/s. Gemini Fashion Pvt. Ltd. and others in Crl. Petition No.1395/2005, petitioner Bank being the secure creditor is entitled to enforce security interest against the respondent for recovery of the loan dues". In the present case the respondent No.2 to 4 have filed vakalath and also filed list of documents. Further, it is matter on record that the respondents have not approached the debt recovery tribunal against the notice issued by the petitioner. The scope of this court is very much limited. Since, there is no stay granted by debt recovery tribunal as such there is no impediment to this court to pass the orders. Therefore, this Court proceed to pass the following:-

ORDER

The petition filed by the petitioner Bank U/sec.14 of SARFAESI Act is hereby allowed with following terms:

1. The petitioner Bank is entitled to take possession of the petition schedule property towards satisfaction of the creditor's due.

2. Sri. Chethana R., Advocate, enrollment No.KAR/1926/2021, Davanagere is hereby appointed as Court Commissioner to take possession of the schedule property and to hand over the same to the petitioner, within 2 months from date of this order.

3. The Police Inspector of Jurisdictional Police Station is hereby directed to give necessary assistance to the Chethana R., as well as petitioner while taking possession of the schedule property.

4. Petitioner shall bear the legal expenses, if any.

5. Sri. Chethana R., Advocate is directed to report the same after compliance of the order.

6. Return the original documents to the petitioner after obtaining acknowledgment.

7. This Court declines to take possession over the schedule property to the hands of the court.

8. Court commissioner fee is fixed at Rs.10,000/-. Office shall return the original documents to the petitioner bank by following due procedure in view of the disposal of the petition.

(Dictated to the stenographer directly on the computer, verified and corrected by me, then the judgment pronounced by me in the open court, on this 10th day of July - 2026.)

(M. Mahesh Babu)
Prl. Senior Civil Judge & CJM
Davanagere.