IN THE COURT OF V ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT: BANGALORE

Dated this the 20th day of May, 2022

PRESENT
Sri. RAJESH N. HOSAMANE B.Sc.ML.
V ACMM BENGALURU

C.Misc.No.1945/2022

Petitioner : Canara Bank
Cambridge Road Branch
NO.18, Ulsoor
Cambridgde Road,
Bengaluru.
Represented by its
authorized officer
Smt.Kavitha N.Shetty.

-Vs-

Respondent :

1. Sri.K.Sudhindra Kumar
S/o Y.Kaverappa
No.742, 1st Cross Road,
2nd Phase, 1st Main, 7th Block,
BSK 3rd Stage, Hosakerehalli,
Layout, Bengaluru.

2. Smt.Nethravathi B.K.
W/o K.Sudhindra Kumar
No.742, 1st Cross Road
2nd Phase, 1st Main, 7th Block,
BSK 3rd Stage,
Hosakerehalli Layout,
Bengaluru.

ORDER ON PETITION FILED U/SEC.14 OF SARFAESI ACT, 2002

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner Canara Bank, Cambridge Road, Branch, No.18 Ulsoor Cambridge Road, Bangalore, represented by its Authorized Officer Smt.Kavitha N.Shetty**.,** seeking for an order to take possession of immovable property **i.e.**

SCHEDULE

All the piece and parcle of the property bearing Site No.151, Old House List No.5072/151, presently bearing BBMP Khata No.5072/151 formed in converted Old Site No.23 formed in Survey No.42/1, Khata No.4409, situated at Gottigere Village, Uttarahalli Hobli, Bengaluru South Taluk, Bengaluru, in the layout known as Himagiri Meadown measuring East to Wes 40 feet and North to South 31 Feet totally measuring 1,240 Square Feet, and bounded:

On the East by: property No.121
On the West by: Road
On the North by: property No.152
On the South by: property No.150

standing in the name of the respondents.

2. According to the petitioner bank, the Respondents are the owners of the Petition schedule property and **availed loan of Rs.77,00,000/- from the petitioner and the outstanding amount is Rs.1,02,97,870/-.**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several

reminders, the respondents failed to repay the said loan as per the 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 assets as per the SURFAESI ACT. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly,

the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed.

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Mr.Dilip Kamble (KAR/1870/2017) Advocate as the Court Commissioner and Commissioner's Fees is fixed at Rs.5,000/- which will be forthwith deposited by the bank.

The Advocate commissioner is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

In case if the property is locked the commissioner is authorized to break open the lock and take possession of the suit schedule property.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

(Dictated to the stenographer, transcribed by her and corrected by me, then pronounced in the open court, on this 20th day of May, 2022)

(Sri.Rajesh.N.Hosamane)
V ACMM, Bangalore

(Order pronounced in the open court vide separate order)

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed.

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sri.Rajashankar.E (Roll No.822/2006) Advocate as the Court Commissioner and Commissioner's Fees is fixed at Rs.5,000/- which will be forthwith deposited by the bank.

The Advocate commissioner is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

In case if the property is locked the commissioner is authorized to break open the lock and take possession of the suit schedule property.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

20.05.2022 **V ACMM, Bengaluru**

Crl. Mis. 5437/2019
10.12.2019

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **Syndicate Bank, No.34, 1st main, J lingaiah Road, Seshadripuram, Bangalore represented by its Authorized officer V.Uma Raghavendra** is **s**eeking for an order to take possession of **all the piece and parcel of the Northern portion of the property bearing No.575, Municipal No.575/1 , PID No.16 – 54 – 575/1 carved out of Sy No.46 of Saneguruvanahalli situated at BBMP Ward NO 16, Kamalanagar, measuring east to west 40 ft and north to south 15 ft in all measuring 600 sq ft with residential building standing thereon, consisting of ground, frist ,second floor of 4 sq each and bounded on :**

East by	:	**Road**
West by	:	**Property No.541**
North by	:	**Property No.576**
South by	:	**Property No.575(remaining portion)**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondent is the owner of the Petition schedule property and **availed loan of Rs.26,00,000/- from the petitioner and the outstanding amount is Rs.25,58,660.74/-plus interest.**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondent. Inspite of request as well as issue of several reminders, the respondent failed to repay the said loan as per the terms and conditions of the loan document . The respondent has 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondent has not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondent is the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days

demand notice as provided u/s 13(2) of the Act and that the respondent has not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondent for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to

take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

7.12.2019
For orders:

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **ICICI Bank Ltd, NO.4/10, 1st floor, West Wing, Mythri Centre, Hosur Road, Bommamahalli, Bangalore 68 Rep by its authorized officer Sri Biju P.E. S/of. Late Haridasan, aged 42 years** is **s**eeking for an order to take possession of immovable property **i.e All that piece and parcel of the converted properties measuring 19 guntas in Sy No.40/1, 4 acres 18 guntas in Sy No.40/2, 2 acres 25 guntas in Sy No.40/3, 1 Acre 19 guntas in Sy No.40/4, 25 guntas in Sy No.40/5 and 1 acre 29 guntas in Sy No.40/6 all situated at Yelanahalli village, Begur hobli, Bangalore South Taluk and converted property measuring 3 acres 8 guntas in sy no.49/1 situated at Begur village, Begur hobli, Bangalore south taluk, in all measuring 14 acres 24 guntas and bounded on**

East by	:	**Peripheral Road**
West by	:	**61 ft wide Road**
North by	:	**Tank and private land**
South by	:	**Private land**

SCHEDULE B PROPERTY
(Property Undivided Share)

301 Sq ft of un-divided share of right, title and interest in Schedule A property.

SCHEDULE C PROPERTY
(Description of the Apartment)

All that piece and parcel of Apartment bearing No.1305 with two bed rooms, measuring 905 sq ft of Super built up area situated on thirteenth floor of 'Block B2' of "SNN Raj Serenity" being developed/constructed on Schedule 'A' property , together with one(1) covered car parking slot bearing No BCP-48

2. According to the petitioner bank , the Respondents are the owners of the Petition schedule property and **availed loan of Rs.29,36,733/- and Rs.9,90,000/- ie totally Rs.39,26,733/- from the petitioner and the outstanding amount is Rs.27,51,659/- and Rs.4,76,845/- ie totally Rs.32,28,504/-.**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **“Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues”. In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

Crl Mis 5396/2019

29.11.2019
For orders:

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **The Grain Merchant's Co operative bank ltd, No.2, Pampamahakavi Road,Chamrajpet, Banglaore rep by its authorixed signatory Mr.Anand S.R.** is **s**eeking for an order to take possession of immovable property **i.e All that piece and parcel of the property bearing No.1014, earlier house list NO.332/A situated at Hulimavu village, Begur hobli, Post office road, Bangalore south Tq, now under the limits of BBMP Ward NO.193,Arekere Bangalore measuring East West 22 ft, North South 29 ft totally measuring 638 Sqft and bounded on**

East by	:	**Road**
West by	:	**Road**
North by	:	**Ganesha Temple**
South by	:	**Property No.331**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owners of the Petition schedule property and **availed loan of Rs.20,00,000/- from the petitioner and the outstanding amount is Rs.22,59,354/-.**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to

enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the

petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

Crl Mis 4697/2019

6.12.2019
For orders:

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **Aadhar Housing Finance Ltd, having its HO at No.201, Raheja Point , Shamrao Vittal Bank, Nehru Road, Vakola , Santacruz (E) , Mumbai , 400055, Having its branch office at NO.284, 2nd floor, Venkatadri Bldg, Sampige Road, Malleshwaram, Bengaluru 27 Rep. By its Area Manager, Sri Manjunatha K.R.** is seeking for an order to take possession of immovable property **i.e All that piece and parcel of the property bearing House List No.332/8A and 332/9 , in Sy No.51 , Hulimavu Village, Begur Hobli , Bangalore South Taluk, Bangalore 68 measuring East – West 25 ft, North – South 40 ft totally measuring 1000 sq ft bounded on the :**

East by	:	**Keshavamurthy Bhatta Property**
West by	:	**Road**

North by	:	**Site No.332/8**
South by	:	**Site No.332/10**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owners of the Petition schedule property and **availed loan of Rs.13,00,000/- from the petitioner and the outstanding amount is Rs. 11,17,977/-.**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition

schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's

Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

Crl Mis 3967/2019

30.11.2019
For orders:

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **M/s. HDFC Bank Ltd having its RO at HDFC Bank, House, Senapathi Bapat Marg, Lower Parel (West) Mumbai , 40013 and one of its branch office at Golden Towers, 3rd floor , next to Golden Enclave, Kodihalli, Old Airport Road, Bangalore 17 Rep. By its Authorized officer, Sri Kishore Kumar Hegde** is seeking for an order to take possession of immovable property

Item No.1 :

i.e All that piece and parcel of the immovable property bearing Site No.235, Ballur Village, Panchyath Khata NO.1616/235 . Situated at Sri Venkateshwara Nagar, formed out of convertedland bearing Sy No.105 of Ballur village, Attibeele Hobli, Anekal Taluk measuring East toWest 60ft and North to South 40 ft measuring in all 2400 Sq ft and bounded on the :

East by	:	**Road**
West by	:	**Site No.214**

North by	:	**Site No.234**
South by	:	**Site No.236**

Item No.2 :

i.e All that piece and parcel of the immovable property bearing House list No.646/153/1-53/5 A1 situated at Hulimavu village, Begur Hobli, Bangalore South Taluk, measuring East to West 73 ft and North to south 40 ft mesuring in all 2920 sq ft and bounded on the

East by	:	**Road**
West by	:	**Site No.214**
North by	:	**Site No.234**
South by	:	**Site No.236**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owners of the Petition schedule property and **availed loan of Rs.1,25,00,000/- from the petitioner and the outstanding amount is Rs. 1,59,16,438/-**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay

the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property

through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

Crl Mis 4836/2019

4.12.2019
For orders:

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **M/s. Housing Development Finance Corporation Ltd, (HDFC Ltd) , No.51, HDFC House, kasturba Road, Bangalore 1 Rep. By its authorized officer Sri Yogesh N.** is seeking for an order to take possession of immovable property **i.e All that piece and parcel of the residential site bearing previous No.75, present No.61 Khatha NO.219,Assessment No.211, 212, 38/2,presently under the jurisdiction of BBMP,Kamalanagar, Ward No.61, assigning New PID No.15-45-61 , situated at Laggere Village, Yeshwanthpur Hobli, Bangalore North Tq, measuring East to West 30 ft and North to South 40 ft in all measuring 1200 sq ft along with 4 AC Sheet roofed house constructed thereon bounded on the :**

East by	:	**Site No.62**
West by	:	**Site No.60**
North by	:	**Site No.58**

South by	:	**Road**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owners of the Petition schedule property and **availed loan of Rs.59,00,000/- and Rs. 2,05,126/- from the petitioner and the outstanding amount is Rs. 60,81,856/- and Rs.2,19,820/- .**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the

respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

Crl Mis 4724/2019

18.11.2019
For orders:

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **Dewan Housing Finance Corporatin Ltd, Registered office at 3rd -7th floor, Dreams Mall, First floor, LBS Marg, Bhandup(West) Mumbai 400078, Branch office at NO.62, 1st floor, Above IDBI bank, Dr.Rajkumar Road, 2nd block , Rajajinagar, Bengaluru Rep. By its Authorized Officer Sri Prakash Babu N s**eeking for an order to take possession of immovable property **i.e All that piece and parcel of property bearing Site NO.1661 formed in Sy No.24/4 converted vide order No.B.DIS.ALN/SR(N) :85/2003-04 DT.25.10.2003 issued by the Deputy Commissioner , Bangalore District Layout, formed by The Karnataka State D Group Employees Central Association at Bangalore situated at Srigandadakavalu village, Yeshwanthpur Hobli, Bangalore North Tq, measuring East -West 30 ft and North – South 20 ft in all measuring 600 sq ft and bounded on the**

East by	:	**Road**
West by	:	**Site No.1666**
North by	:	**Site No.1662**
South by	:	**Site No.1660**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owners of the Petition schedule property and **availed loan of Rs.38,97,646/- from the petitioner and the outstanding amount is Rs. 40,11,073/-.**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

Crl Mis 4344/2019

02.11.2019
For orders:

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **M/s. Tumkur Grain Merchants, Co-operative Bank Ltd, Admin Office BH Road, Tumkur, represented by its Authorized signatory Mr.Rajashekar s**eeking for an order to take possession of immovable property **i.e All that piece and parcel of Residential Property bearing old khata No.260/A , 260/A-1 , now BBMP new Katha No.260/A and its PID No.20-37-260/A, situated at 1st stage, 6th phase, West of Chord road, Bangalore, Ward No.20, Shivanagar, measuring East to West 30 ft and North to South 39 feet totally measuring 1170 sq ft building thereon and bounded on the :**

East by	:	**Property No.261**
West by	:	**Property No.260**
North by	:	**Property No.259**
South by	:	**Road**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owners of the Petition schedule property and **availed loan of Rs.75,00,000/- from the petitioner and the outstanding amount is Rs.73,27,750/-.**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also

satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

15.10.2019
Crl Mis 4073/2019

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **Andhra Bank, Jayanagar Branch, No.121 -13/3, T Mariyappa Road, 1st block, Jayanagar, Bangalore 11 rep by its Chief Manager / authorized officer Sri B Hari Prasad s**eeking for an order to take possession of immovable property **I.e All that piece and parcel of the residential property**

bearing No. 29, khata No35/4, property no.35/4 & 35/5 situated at Yelenahalli village, Begur Hobli, Bangalore South Tq,now under BBMP limits Bangalore measuring east to west 4ft and north to south 30 ft , totally measuring 1200 sq ft bounded on

East by	:	**Site No.42**
West by	:	**Road**
North by	:	**Site No.28**
South by	:	**Site No.30**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owners of the Petition schedule property and **availed mortgage loan of Rs.54,00,000/- and Rs.9,00,000/- from the petitioner and the outstanding amount as on 2.5.2019 is Rs.48,90,232.90/- and Rs.7,67,503.70/- .**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner

subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

15.10.2019
Crl Mis 4271/2019

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **M/s. Kuruhinashetty Souharda Credit Co-operative Ltd, Chamrajpet Branch, No.276, 1st floor,1st main road, Chamrajpet, Bangaloe 18 rep by its authorized Officer / Chief Executive Officer , Head office, Bangalore (On behalf of Chamrajpet Branch) Sri Thiruvengadum** seeking for an order to take possession of immovable property ie :

All that piece and parcel of the Eastern portion of the Residential property bearing No.540 formed in Sy No.21/1, 25/1, 25/2, 23/3, 26/8 , 26/9, 27/3, 29, 30/1 and 30/2 in the layout formed by the Karnataka State D Group Employees Central Association as per the layout plan approved by the BDA vide its Resolution No.6/2000, dt.09.06.2000 situated at Srigandhakaval Village, Yeshwanthpur hobli, Bangalore north tq, presently within the limits of BBMP ward No.129, OLD Khata Sl.No.540 ,new Khata Sl.NO540/1, previously property No.540/540, new property No. 540/540/1 measuring East :25', west 31'-3", North : 27' and South 28' totally measuring 775 sq ft along with 15 squares RCC building comprising of ground, first , second and third floors with granite flooring , cement and bricks used for construction of walls , teak wood used for preparation of doors and steel windows with all civic amenities and bounded on :

East by	:	**Site No.514**
West by	:	**Remaining portion of same site No.540**
North by	:	**Road**
South by	:	**Site No.539**

2. According to the petitioner bank, the Respondents **secured loan of Rs.1,00,00,000/- from the petitioner and the outstanding amount as on 28.2.2019 is Rs.1,30,62,472/-**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied

that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

15.10.2019
Crl Mis 4290/2019

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **M/s.Vijaya Bank, Now Bank of Baroda, Trinity Circle Branch, Bangalore represented by its Authorized officer Mr.Anantha Ram Misra** seeking for an order to take possession of immovable property ie

SCHEDULE A

All that piece and parcel of the land bering converted Sy No. 43 (Vide order No. ALN(S.U)SR174/2010-11 DT.3.5.2011) measuring to an extent of 1 acre 14 guntas out of which 4 guntas of Kharab , situated at Gottigere village, Uttarahalli hobli, Bangalore south taluk, presently under BBMP Limits 209.45 Sq ft undivided share, right, title, interest and owenership and bounded on :

East by	:	**Re – sy No.61 (Quarry)**
West by	:	**Private Property**
North by	:	**Sy NO.44 and road**
South by	:	**Himagiri properties (Sy**

		Nos 42 & 130)

SCHEDULE B

All that part and parcel of the property bearing Flat No. 313 in (A block) third floor in “PRUTHVI ROYAL” Apartment in Sy No.43 BBMP Khata 220/43, conversion order No.ALN (S.U) sr.174/2010-11 dt 3.5.2011 sitauted at Gottigere village, Uttarahalli Hobli under BBMP ward NO.194,Bangalore south tq, measuring 812.70 sq ft UDS 209.45 sq. ft along with one covered car parking

2. According to the petitioner bank, the Respondents **secured loan of Rs.26,00,000/- and Rs.3,00,000/- from the petitioner and the outstanding amount as on 31.3.2019 is Rs.28,92,914.02 /-.**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have

not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligators and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondent has not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

15.10.2019
Crl Mis 4289/2019

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner **M/s.Vijaya Bank, Now Bank of Baroda, Bansahankari Branch, No.331/22, 1st main, 41st cross, 8th block, Jayanagar, Bangalore 82 represented by its Authorized Officer Mr.Divya Devadiga** seeking for an order to take possession of immovable property ie

SCHEDULE A

Land bearing converted Sy No.43)vide order No. ALN(S U)SR 174 2010-11 dated 3.5.2011 , measuring to an extent of 1 Acre, 14 guntas out of which 4 guntas of Karab situated at Gottigere village, Uttarahalli hobli, Bangalore south taluk, , Bangalore presently comes under BBMP limts and bounded by :

East by	:	**Re – sy No.61 (Quarry)**
West by	:	**Private Property**
North by	:	**Sy NO.44 and road**
South by	:	**Himagiri properties (Sy Nos 42 & 130)**

SCHEDULE B

382.24 Sq ft undivided share, right, title, interest and ownership in Schedule A Property

SCHEDULE C

Residential Flat No.201 in (D block), second floor in property apartment measuring 1483.12 sq ft of super built up area and bounded by :

East by	:	**Corridor and flat No.206**
West by	:	**Block C**
North by	:	**Flat No.202**
South by	:	**Open to sky/private property.**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owner of the Petition schedule property and **secured loan of Rs.41,00,000/- and Rs.6,00,000/- from the petitioner and the outstanding amount as on 30.4.2019 is Rs.50,05,648.40**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have

not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondent is the secured obligator and the petition schedule property is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondent has not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondent for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

23.8.2019
Crl Mis 3681/2019

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner M/**s. State Bank of India , Retail Assets Central Processing Centre, (RACPC) III Banaswadi, Maruti Mansion, 7M, 422, 80 ft road, Kalyannagar, Bangalore represented by its Authorized Officer *Chief Manager Mr Keerti Simha Grama Thirunarayan, aged 58 years,* s***eeking for an* *order to take possession of immovable property* ***bearing site No.9, carved out of property No.42 of Malagalu village, Yeshwanthpur Hobli,Bengaluru north taluk and presently under the administrative jurisdiction of Ward No.103 ,Kaveripura, Bruhath Bengaluru Mahanagar Palike (BBMP) and bearing Municipal No. 9(Nine) and PID No.37-41-9 situated at 1st main, Kanaka nagar, Bengaluru measuring east to west 45 ft, north to south 30 feet in all mesuring 1350 sq ft along with commercial - cum – residential building of 12 square in ground floor and 12 square in 1st floor of RCC roofing and Mosaic flooring with all civic amenities like electricity, water and sanitary connections, standing in the joint names of (1) Smt. Tara C , W/of. Sri G Gangadhara and (2) Sri. G Gangadhara S/of. Sri Govindappa vide Sale deed dt. 10.03.2014 and registered as document No. NGB-1-10971/2013-14 & CD No.NGBD260 dt.10.3.2014 at SRO, Rajajinagar (Nagarbhavi) Bengaluru and bounded on :***

East by	:	**Site No.8**
West by	:	**30 feet Road,**
North by	:	**Private property**
South by	:	**Site No.10 .**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owner of the Petition schedule property and **secured loan of Rs.65,49,445 with interest and expenses from**

the petitioner and the outstanding amount as on 24th of July , 2019 is Rs.59,10,193/-.

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligator and the petition schedule pro perty is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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

Office is directed to return the original documents in favour of the authorized person of the petitioner subject to identification by the counsel on record or to its counsel as per law.

V ACMM, Bangalore.

9.8.2019
Crl Mis 3039/2019

Case called out. Petitioner present/absent.
Order pronounced as under in the open court.

ORDER

This petition is filed U/s.14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by the petitioner M/**s.Bank of Baroda , represented by its Authorized signatory Mr. Sanjay Walli s**eeking for an order to take possession of immovable property **bearing residential building at Site**

No.1, BBMP Khata No.862/3/4/1, assessment 3/4 of Mallathalli village, Yeshwanthpur Hobli, Bangalore North Tq, Old ward No.12 of CMC Rajarajeshwari Nagar, now BBMP Ward No.129 of Jnanabharathi ,Bangalore measuring East to West 38 ft and north to south 54 ft total 2052 sq ft.

Bounded by

East by	:	**Road**
West by	:	**Property belonging to late Thimmaiah & Children**
North by	:	**Property belonging to Sri T.Nayanana**
South by	:	**Road.**

standing in the name of the respondents through the agency of the Court I.e Court Comissioner.

2. According to the petitioner bank , the Respondents are the owner of the Petition schedule property and **availed mortgage loan of Rs.1,50,00,000/- from the petitioner and the outstanding amount is Rs.1,42,56,241.14.**

3. They have executed the loan agreement and other documents and created the charge and mortgaged the Petition schedule property by way of deposit of title deed towards the security for repayment of the said credit facility availed by the respondents. Inspite of request as well as issue of several reminders, the respondents failed to repay the said loan as per the 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 assets as per the Surfaesi Act. Inspite of repeated request and demands, the respondents have not repaid the said loan even after service of 60 days demand notice. Hence, this petition.

4. I have carefully perused the documents placed in support of the case of the petitioner bank. On careful perusal of the materials on record, this court is satisfied that the petitioner bank is secured creditor, that the respondents are the secured obligator and the petition schedule pro perty is a secured debt/asset within the meaning of provisions of the Act. The court is also satisfied that the petitioner bank has issued 60 days demand notice as provided u/s 13(2) of the Act and that the respondents have not paid the said loan amount due to the petitioner bank.

5. On careful perusal of the facts and the circumstances of this case as well as the law laid down by the Honble High court in **"Punjab and Sindh Bank V/s M/s.Gemini Fashions Pvt Ltd, and others in Crl.P.No.1395/2005** petitioner bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of the loan dues". In this regard, the counsel for the petitioner bank has sought for appointment of the Court Commissioner to take possession of the property

through court agency. Accordingly, the Court Commissioner is appointed to execute the order of the court. Therefore this court proceeds to pass the following :

ORDER

The petition filed by the petitioner Bank u/s.14 of SARFAESI Act is hereby allowed .

The petitioner bank is entitled to take possession of the petition schedule property towards satisfaction of the creditors due.

This court authorizes and appoints the Sheristhedar of this court as the Court Commissioner and Commissioner's Fees is fixed at Rs.6,000/- which will be forthwith deposited by the bank.

The Court Commissioner/Sheristhedar is directed to take possession of the petition schedule property towards the satisfaction of the creditors due with the assistance of the jurisdictional police and to report the same as early as possible as per the memo of instructions.

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

It is hereby further ordered that the jurisdictional PS house officer to give necessary assistance to the petitioner in respect of taking possession of the petition schedule property from the respondents.

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V ACMM, Bangalore.

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