KAMD020008772026

Presented on : 05-03-2026
Registered on : 07-03-2026
Decided on : 18-06-2026
Duration : 0 years, 3 months, 13 days

IN THE COURT OF PRL. SENIOR CIVIL JUDGE & C.J.M AT MANDYA.

Dated this the 18th day of June 2026

: PRESENT :

Sri. Sandeep Salian, B.A. L.L.M.,
Prl. Senior Civil Judge and C.J.M,
Mandya.

Crl.Misc.No.289/2026

Petitioner : Hinduja Housing Finance Limited,
Registered Office at : 167-169, 2nd Floor,
Anna Salai, Saida Pet, Chennai – 600015.

Branch Office At :-
No.50, 4th Floor, Vinay Arcade, K.H.Road,
Shanthinagar, Behind Canara Bank,
Bangalore – 560027.

Represented by its Authorized Officer
Mr. Kishore Babu.C.,
Aged about 29 years.

(By Sri.Chandra Shekar S.N, Advocate)

Vs-

Respondents : 1. Anitha K.B., W/o Prasanna N., Aged about 40 years.

2. Bellashetty, S/o Sannashetty, Aged about 56 years.

Both are R/at: Hole beedi,
Near Yellamma Temple,
Maddur Town, Maddur Taluk,
Mandya District – 571428.

: ORDER :

The petitioner has filed this petition U/s 14 of the Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 seeking for an order to take possession of petition property i.e., piece and parcel of the immovable Property bearing No.Municipal Assessment Khatha No.495/460, property No.16-1-502-22, Property old No. 16-1-502-22 measuring 1 5¾ X9 feet, 2 24X32 feet in that RCC House, measuring East to West 24 feet and North to South: 32 feet Stair Case 5¾ X9.5 feet, situated at Holebeedi Road, 3rd Division, Maddur Town Maddur Taluk, which is bounded on East by : Muddana's Property, West by : Property of B.C. Raju, North by : Gowdaiah's property and South by : Road.

2. According to the petitioner, the respondents have availed the loan of Rs.20,00,000/- and executed registered mortgage deed, loan agreements and other necessary documents. In spite of request as well as issuance of several reminders, the respondents have failed to repay the said loan as per terms and conditions of the loan documents. As on 09.05.2025, the respondents were in due of loan amount of Rs.19,59,107/- (Nineteen Lakh Fifty Nine thousand One Hundred and Seven Rupees). The respondents have created a charge and mortgaged the petition schedule property by way of deposit of title deed towards the security for repayment of the aforesaid loan. Therefore, the petition schedule property is the secured assets as per the said Act. In spite of issuance of demand notice, the respondents have not repaid the said loan. Hence, this petition.

3. I have carefully perused the documents placed before the Court in support of the case of the petitioner. On examination of the available materials, this Court is satisfied that the petitioner is a secured creditor, the respondents are the obligers and the petition schedule property is secured assets within the meaning of

provisions of said act. The petitioner has produced the certificate issued by Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI). The records reveal that the petitioner issued statutory notice as contemplated U/s 13(2) of the said Act on 15.09.2025. The Speed post cover produced before the court shows that it was sent to the respondents. It is also stated that the petitioner affixed the possession notice dated 14.12.2025 as required under section 13(4) of the Act on the conspicuous part of the property and issued paper publication on 30.12.2025. The petitioner has produced the copy of the notice and also the paper publication. In spite of lapse of 60 days from the date of service of notice, the respondents have not paid the due loan amount to the petitioner.

4. When a petition is presented U/s 14 of Securitisation & Reconstruction of Financial Assets & Enforcement of Security interest Act, this court is not required to issue separate notice to the respondents. This is also clarified by the Hon'ble High Court of Karnataka in the decision rendered in the case of Punjab and Sindh Bank V/s. M/s. Gemini Fashion Pvt. Ltd. And others (2005 SCC online Kar 708), wherein it is held as hereunder :-

On going through the provisions of Sections 13 and 14 of the Act, it is seen that the said provision of Section 14 of the Act has been made to supplement Section 13 under which as secured creditor is entitled to enforce security interest and for seeking the assistance of the Court in this regard, notice of the same need not the issued to the debtor or the borrower.

5. Hence, the petitioner Bank being the secured creditor is entitled to enforce security interest against the respondents for recovery of due loan. Learned counsel appearing for the petitioner bank has sought for appointment of court commissioner to take possession of the petition schedule property. The same is required to the allowed. Accordingly, I pass the following:-

ORDER

The petition filed by the petitioner under section 14 of Securitisation & Reconstruction of Financial Assets & Enforcement of Security interest Act, 2002 is allowed.

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

Shreyas. D, Advocate, (Enroll No.222/2009) is appointed as court commissioner to take possession of the petition schedule property towards the satisfaction of the creditor's due with the assistance of jurisdictional police and deliver it to the secured creditor.

The commissioner fee is fixed at Rs.10,000/-, which shall be paid by the petitioner to the court commissioner.

Issue intimation to the station house officer of jurisdictional police station.

Office is directed to return the original documents to the petitioner on proper identification.

(Dictated to the stenographer directly on computer, typed by her, corrected by me and then pronounced in the Open Court, on this the 18th day of June 2026)

(Sandeep Salian)
Prl. Senior Civil Judge & C.J.M,
Mandya.