

KAYG020006882026



**IN THE COURT OF SENIOR CIVIL JUDGE & CJM
YADGIR. AT: YADGIR**

Present: **Sri. Balasaheb Wadavade,**
B.Com., LL.B.(Spl.)

**Senior Civil Judge and CJM,
Yadgir.**

Dated this the 15th Day of June, 2026

Crl.Misc.No.38/2026

Petitioner : Karnataka Bank Ltd. Asset Recovery
Management Branch. Kalaburgi.
Branch office at Shahapur, Yadgir
District, Karnataka, Represented by its
Authorized Officer Mr. Manjunatha T K,
Age: 50 years.

(By Smt. Parvathi Adv.)

// VERSUS //

- Borrowers:**
- 1.** Mr. Chandappagouda
S/o Manik Reddeppagouda Patil,
R/o : H.No.E/2/17,
At Post: Mudnoor(K), Tq: Shorapur,
Dist: Yadgir-585215.
 - 2.** Mrs. Veena
W/o Shantha Gouda Patil,
R/o : H.No.E/2/17,
At Post: Mudnoor(K), Tq: Shorapur,
Dist: Yadgir-585215.
 - 3.** Mr. Narasimha Murti,
S/o Annaje rao
Post: Mudnoor(K),
Tq : Shorapur,
Dist: Yadgir-585215.

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**ORDER**

1. This is a petition filed by the petitioner against the respondents under section 14 of the SARFAESI Act, 2002, seeking relief of possession of the petition property.

2. Perused the case papers, it reveals that the respondents availed a loan by securing the schedule property and by agreeing to repay the same in terms of the agreement. In support of the same executed the mortgage deed but they have failed to repay the same as agreed by them. So that loan has become NPA, then petitioner has duly complied the sections 13 (2) and 13 (4) of the SARFAESI Act, 2002. Further it is seen that petition property is situated within the jurisdiction of this court.

I would like to refer the decision of our own Hon'ble High court. **Writ Petition No.6330-6337/2017(GM-RES) between HDB financial services limited Vs M/S Remo Software PVT Ltd.**

Perused the decision it reveals that the Hon'ble High Court of Karnataka has held at para No.19 that,

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Accordingly and in view of the above, these appeals are allowed to the extent and in the manner that the part of the order impugned to the extent it holds that the borrowers are entitled to be heard under Section 14 of the SARFAESI Act is set aside and annulled.

3. The above decision is applicable to the petitioner case. Perused the sworn affidavit and documents. The petitioner has shown the proper reasons in the affidavit. Therefore considering all these facts, this court proceeds to pass the following;

ORDER

A petition filed by the petitioner under section 14(1) and (2) of the SARFAESI Act, 2002 is hereby allowed.

Smt. Bhagyashree Chandram Talawar advocate (KAR4652/2021) is appointed as court commissioner.

She is directed to conduct the commission work as per the procedure. His fee is fixed Rs.5000/-.

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Commissioner is at liberty to receive the commission fee.

Petitioner is directed to assist the court commissioner for conducting the commission work.

Petitioner is at liberty to break open the lock and take police assistant if required.

Office is hereby directed to return the original documents in favor of petitioner if produced by him.

Issue commission warrant.

Accordingly this petition is closed.

(Dictated to the stenographer directly on computer, typed by him, corrected by me and then pronounced in the open court this the 15th day of June - 2026)

Sr.CJ & CJM