

KAMD020015262026



Presented on : 18-05-2026
Registered on : 18-05-2026
Decided on : 01-08-2026
Duration : 0 years, 2 months, 14 days

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

Dated this the 1st day of August 2026

: PRESENT :

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

Crl.Misc.No.471/2026

Petitioner : Equitas Small Finance Bank Limited,
Having its Registered Office at, 4th Floor,
Spencer Plaza, 769, Mount Road,
Anna Salai, Chennai-600002.

Branch Office at : Chamarajanagara.

Represented by Authorized Signatory,
Cheluvaraj.K, S/o Viramudi. K.S.,
Aged about 40 years,
Legal Manager of petitioner company,

(By N.Mudduraja, Advocate)

Vs-

Respondents: 1. Balaramashetty, S/o Madashetty,
2. Swetha, W/o Birashetty,
3. Savithramma, W/o Kenchashetty,

All are R/at : Natanahally Village,
Bookanakere Hobli, K.R.Pete Taluk,
Mandya District – 571426.

: 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 schedule property i.e., All the piece and parcel of immovable schedule property No.152100100600220106, Katha No.360, situated at Natanahalli Village, Ballekere Gramapanchayath, K.R.Pete Taluk, Mandya District, measuring East to West 6.40 meter (21 feet) and North to South 10.05 meter (33 sq. feet), total extent 64.38 Sq. Meter (693 Sq. feet) and house built up area of 64.38 sq. meters, which is bounded on East by : Remaining land, West by : Ningashetty, North by : Remaining land and Road and South by : Hemavathi Land.

2. According to the petitioner, the respondents have availed the loan of Rs.2,75,000/- 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 16.10.2025, the respondents were in due of loan amount of Rs.1,60,185/- (One Lakh Sixty thousand One Hundred and Eighty Five Rupees only). 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 21.07.2025. The Postal receipts and postal acknowledgment produced before the court shows that it was served to the respondents. It is also stated that the petitioner affixed the possession notice dated 23.10.2025 as required under section 13(4) of the Act on the conspicuous part of the property and issued paper publication on 28.10.2025. 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 be 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 be 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.

Sri.Girish.C., Advocate, (Enroll No.1199/2016) 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 1st day of August 2026)

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