



Sarfaesi S. 13(2) - Notice to legal heirs - S. 13(4) - whether personal service is necessary in addition to affixation | 2010 PLRonline 0102

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[sarfaesi S. S. 13\(2\)](#) - Whether the notice under sub-section (2) of Section 13 should be issued to the legal heirs of the deceased borrower/guarantor afresh in the event such borrower/guarantor dies after the [service](#) of notice under sub-section (2) of Section 13 of the SARFAESI Act - Bank to initiate proceedings by issuance of fresh notice to the legal heirs of the borrower/guarantor.

[sarfaesi s. 13\(4\)](#) - Security [interest](#) (Enforcement) Rules, Rule 8 - Whether the notice under sub-section (4) of Section 13 affixed in the property by the respondent-Bank showing only the name of the deceased guarantor as the [owner](#) of the property could be considered to be a sufficient compliance of the provisions of Section 13(4) read with Rule 8 of the Security Interest (Enforcement) Rules ?

Sarfaesi S. 13(4) - Affixure of notice alone - Showing the name of the deceased/guarantor as the owner of the property - Cannot be sustained

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