



CRIMINAL M.A. NO. 468/2026
(India Shelter Finance Vs. Anuradha +2)
(E- filing)

ORDER PASSED BELOW APPLICATION (EXH. NO. 1)

The applicant has filed the application under section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short ' the SARFAESI Act') through its authorized officer.

02. I perused the application, affidavit in support of it, documents and heard argument.

03. The applicant has filed the application under section 14 of the SARFAESI Act praying for assistance of the Court in taking possession of the secured asset from the borrowers. He has also prayed that in case of necessity, police protection be given to the applicant.

04. The applicant in his affidavit has mentioned that the aggregate amount of financial assistance of ₹ 19,53,300/- was granted to the borrowers. Now the total outstanding amount is ₹ 21,31,058/-. The borrowers created security interest in property of the borrowers in favour of the bank. The bank is holding a valid and subsisting security interest over that all that piece and parcels of "All piece and parcel of Grampanchayat assessment property (Milkat) No. 434, its Serial (ANUKRAMANK) No. 430, and its land area 1500 Sq. Ft. simple construction 1500 Sq. Ft. and it situated at SAVARDE within the limit of at, Savarde, Tal. Tasgaon, Dist. Sangli". The applicant affirms in his affidavit that the application is within the

limitation period.

05. The applicant in his affidavit has further mentioned that the borrowers committed default in repayment of the financial assistance granted to the borrowers. Loan amount of borrowers has been classified as non performing asset on 10.10.2025. The applicant sent notice on 10.10.2025 under section 13(2) of the SARFAESI Act. Notice was served to the respondents on 20.10.2025. The applicant published notice under section 13(2) in two daily newspapers i.e. Mumbai Lakshdeep (Marathi) and Active Times (English) dated 01.11.2025. The period of 60 days as mentioned in the notice has expired. The applicant did not receive any objection or reply to the notice. As on the date amount of ₹ 21,31,058/- is due against the borrowers. In spite of service of the notice the borrowers have not made any repayment. Therefore, the authorized officer is entitled to take possession of the secured asset. The applicant has complied all the provisions of the SARFAESI Act and rules made thereunder.

06. Considering the affidavit and documents, I find that authorized officer has satisfied the compliance of section 14 of the SARFAESI Act. The learned advocate for the applicant prays that Adv. Ayyaj Gous Shaikh be appointed as court commissioner. The Hon'ble Supreme Court in the case of **NKGSB Cooperative Bank Limited Vs. Subir Chakravarty & others (2002 S.C.C. Online SC 239)** has observed that advocate can be appointed as court commissioner to assist in execution of the order passed under section 14 of the SARFAESI Act. Therefore, I pass the following order.

ORDER

1. The application is allowed.
2. Adv. Ayyaj Gous Shaikh is appointed as Court Commissioner to hand over the possession of secured asset i.e. all piece and parcel of Grampanchayat assessment property (Milkat) No. 434, its Serial (ANUKRAMANK) No. 430, and its land area 1500 Sq. Ft. simple construction 1500 Sq. Ft. and it situated at SAVARDE within the limit of at, Savarde, Tal. Tasgaon, Dist. Sangli, with all fixture and fittings made thereon to the secured creditor.
3. The applicant shall pay ₹ 10,000/- to the Court Commissioner by way of court commission fee.
4. Issue writ to Court Commissioner.
5. The Court Commissioner shall take necessary steps and if required shall take the assistance of Police for taking possession of the secured asset from the opponent.
6. The Court Commissioner shall hand over the physical possession of the secured asset to the petitioner by preparing detailed panchnama and compliance be reported.

Sangli.
Date:-06.07.2026

(R.S. Wankhede)
7th Addl. Chief Judicial Magistrate,
Sangli.

CERTIFICATE

I affirm that, the contents of this P.D.F. file are same, word to word as per the original order.

Name of Stenographer : P. G. Sabale

Court : 7th Addl. Chief Judicial Magistrate, Sangli.

Date : 06.07.2026

Order signed by the : 06.07.2026
Presiding Officer on

Order uploaded on : 06.07.2026