

MHNG030093892025

**ORDER BELOW EXH.1**(Passed on this 17th day of June, 2025)

1. Read the application. Perused the record and proceeding of the case. This is an application filed by the applicant Canara Bank (Syndicate Bank after merger is now Canara Bank), under the provisions of Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the SARFAESI Act). The application is supported by an affidavit and the documents are attached along with list.

2. On perusal of the record, it appears that, the respondent is the borrower. On request of the respondent, the applicant bank sanctioned Housing Loan- NP-Commercial Real Estate of Rs.24,80,000/- (In words: Rupees Twenty Four Lac Eighty Thousand Only) to the respondent. In order to secure the loan amount the respondent with an intention to create equitable mortgage have duly deposited the documents with the applicant bank. As per the terms and conditions of the said loan agreement property described in Schedule of Property is mortgaged to the applicant bank. However, the respondent failed to repay the loan amount along with interest thereon. Accordingly loan account was classified as NPA on 05.11.2024 by the applicant bank as per the guidelines issued by the Reserve Bank of India. There was an outstanding amount of Rs.24,73,910/- which has been remain outstanding for over the period of 60 days.

3. The applicant bank issued statutory demand notice on 07.11.2024 under Section 13(2) of the SARFAESI Act to the respondent and direct them to repay the outstanding loan amount along with interest thereon within 60 days from the date of receipt of the notice. The notice was duly served upon the respondent. However, the respondent failed to repay the loan amount as stated in the notice and they have not taken any objection to the said notice. The applicant bank is a secured creditor. Hence, applicant bank wish to take physical possession of mortgaged property. Accordingly, the applicant bank made compliance of section 13 of the SARFAESI Act. The secured assets fall within the jurisdiction of this Court. So, there is no impediment to grant the necessary assistance in taking possession of the secured assets as per the provisions of section 14 of the SARFAESI Act. Hence, following order is passed to meet the ends of justice.

ORDER

1. The application is allowed.
2. The Head bailiff of this Court is directed to depute the bailiff for taking possession of the following property:

Schedule of property

The undivided 16.666 percent share and interest in all that piece and parcel of land bearing Plot No.58, admeasuring 278.700 Sq.Mtrs. (2999.92 Sq.Fts.) being a part of portion of the entire land bearing Khasra No.160/65, 3, 62, 63, 64 bearing Survey No.34, Sheet No.208/44, situated in Mouza Dhabha, together-with the entire R.C.C. Superstructure comprising of Apartment No.102, covering a built-up area of 59.910 Sq.Mtrs., on the first floor of a building constructed thereon and popularly known and styled as "LAXMI NARAYAN APARTMENTS" in the sanctioned layout of the Hill View Co-op Housing Society sanctioned by the Nagpur

Improvement Trust, Nagpur in its 572 development scheme within the limits of the city of Nagpur Municipal Corporation, Nagpur.

Bounded as Under:-

East : Plot No.59,

West : Plot No.57,

North : Plot No.70, 71,

South : 30 Ft. Road.

3. The Bailiff shall take possession of the above property by taking such steps and using such force as may be legally necessary and break open the lock, if required. After taking possession, the Bailiff shall forward the same to the Applicant.
4. The In-charge Police Officer of concerned Police Station, within whose jurisdiction the property is situated is directed to provide necessary police protection for the execution of the aforesaid possession warrant at the cost of the Applicant.
5. The applicant bank shall have to bear the requisite charges of the special Bailiff as per rule.
6. Proceeding is accordingly disposed off.

Nagpur.
Dated :17/06/2025.

(Anand S. Munde)
11th Jt.Civil Judge Sr.Dn.& ACJM,
Nagpur.