-:: Order Below Exh-1 ::-

1) The application has been read. The documents submitted alongwith the application and the oral arguments of the Ld. Counsel for the applicant have been considered.

2) In this case, the applicant has filed the present application under Section 14 of the SARFAESI Act, stating that the respondents had taken a loan on the property of respondents and failed to repay the loan, resulting in a notice issued under Section 13(2) of the SARFAESI Act. Despite this, the respondents failed to repay the outstanding loan amount, leading to the current application under Section 14 of the SARFAESI Act for taking the physical possession of the property through the appointment of a Court Commissioner to hand over the property to the applicant Bank.

3) Considering the documents submitted in this case, the Description of the Mortgaged Property/Secured Asset is as under.

Property

All that piece and parcel of immovable Residential Property being a Khata No. 1122 Survey No. 644 Paiki. (Gram Panchayat Milkat No. 1308) admeasuring 75 Sq. Yards i.e. 63 Sq. Mtrs. Situated, being and lying at Mouje: Khoraj, Taluka: Sanand, District: Ahmedabad, Gujarat-382170,

Boundary as under:

East: House of Kanabhai Danbhai
West House of Tinabhai Savjibhai
North: Public Road
South: Public Road

The respondents obtained a loan from the applicant IDFC First Bank Ltd. The respondents failed to repay the loan installments, resulting in the loan being classified as NPA on 31-10-2025.

Consequently, a notice under Section 13(2) of the SARFAESI Act was issued on 13-12-2025, which the respondents received.

Despite this, the respondents did not repay the outstanding loan amount, leading to the current application to take possession of the mortgaged property. Considering all the documents submitted by the applicant, it is evident that the respondents failed to repay the loan amount. Therefore, the notice under Section 13(2) of the SARFAESI Act was rightly issued by the applicant, and despite the receipt of this notice, the respondents did not repay the amount. Consequently, the application under Section 14 of the SARFAESI Act to take possession of the disputed property is justified. The Hon'ble Supreme Court's decision in Authorized Officer, Indian Bank Vs. D. Vishalashi & Others, Civil Appeal No. 6295/2015, para-48, states that even the Chief Judicial Magistrate Court has the authority to decide an application under Sec.14 of the SARFAESI Act. Therefore, this Court has the authority to entertain this application and passes the following order.

-::ORDER::-

1) The applicant's application is hereby **allowed.**

2) Therefore, Mr. M.L.Meraiya (Superintendent) is hereby appointed as the Court Commissioner under Section 14 of the SARFAESI Act in this case.

3) The Court Commissioner is directed to take possession of the secured property mentioned in para 3 of this order and hand it over to the authorized person of IDFC First Bank Ltd, Mr. Chinmay Acharya.

4) If the secured property is locked, the Court Commissioner is authorized to break open the lock and take possession of it.

5) If possession is taken by breaking the lock, the Court Commissioner shall prepare a list of all movable properties found inside the premises and hand over the list to the authorized officer of IDFC First Bank Ltd.

6) The applicant, IDFC First Bank Ltd shall obtain police protection from the concerned police station at their own expense. The District Superintendent or concerned Police Inspector is instructed to provide necessary police protection to the applicant upon receiving an appropriate application and payment of the required fees.

7) The applicant shall bear all the expenses for taking possession of the property and shall provide adequate assistance to the Court Commissioner.

8) The applicant Bank shall deposit amount of Rs. 20,000/- (Rs. Twenty Thousand Rupees only) towards the Court Commissioner's fees within 15 days from the date of this order in the Court. If this amount is not deposited within 15 days, this order shall be deemed to be automatically canceled. Upon the deposit of this amount, the Commissioner shall proceed with the possession of the secured property and issue a 30-day notice to the respondents before taking possession, allowing the respondents sufficient time to remove their belongings from the secured property and make alternative arrangements for their residence / business. After issuing the notice to the respondents, the possession shall be handed over to the authorized person of the applicant institution, and a detailed report shall be submitted to the Court.

9) The Court Commissioner shall execute this order on a holiday or except working hours.

As the relief sought in this application has been granted, the application is disposed of accordingly. The Commissioner's report, when submitted, shall be annexed to this application.

This order is pronounced today, the 15th day of July, 2026.

(A.R.Ghori)
Addl. Chief Judicial Magistrate,
Sanand.
(Code No. GJ00998)