MHNG030114832026

Cri.M.A. No.1908/2026
Asset Reconstruction Company (India) Ltd. Vs. Archana & Ors.

ORDER BELOW e-filed EXH.01.
(Passed on 20th June, 2026)

The applicant i.e. **Asset Reconstruction Company (India) Ltd.** has filed the present application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (*here-in-after referred to as 'the Act' in short*). Contents of the application is supported by affidavit and documents filed along with the list.

02] Perused the record. Heard the learned counsel for the applicant. According to the applicant, it is a financial institution as per Section 2(1)(m)(iv) of the Act and a secured creditor as per Section 2(1)(zd). **Mr. Vaibhav Ajey Deshpande** is the authorized representative of the applicant.

03] The applicant, an Asset Reconstruction Company registered under the SARFAESI Act, states that it has become the assignee of Sewa Grih Rin Limited ("SEWA") in respect of Loan Account No.HLP100003610, under which a loan of ₹4,00,000/- was granted to the non-applicants on 30/04/2024. The non-applicants created a mortgage over the immovable property situated at Mouza Nildoh, Tahsil Hingna, District Nagpur, Maharashtra, owned by Mrs. Archana Sahebrao Revade, as security for repayment of the loan. Pursuant to an assignment under Section 5 of the SARFAESI Act, all rights, title, and interest in the loan account and secured asset were transferred to Asset Reconstruction Company (India) Limited (ARCIL), thereby making ARCIL the secured creditor entitled to recover the outstanding dues and enforce the security interest under the provisions of the SARFAESI Act.

04] The applicant submits that the non-applicants committed repeated defaults in repayment of the loan, resulting in the account being classified as a Non-Performing Asset (NPA) as per RBI guidelines. Consequently, a demand notice dated 21/05/2025 posted on 27/05/2025 under Section 13(2) of the SARFAESI Act was issued, demanding payment of ₹4,95,164.97 along with further interest and costs. The notice was duly received by the non-applicants through RPAD. However, there is no material on record to show reply or compliance of the notice by the non-applicants. Despite expiry of the statutory period of sixty days, the non-applicants neither cleared the outstanding dues nor handed over peaceful possession of the secured property. The applicant has therefore filed the present application under Section 14 of the SARFAESI Act seeking assistance of the Court for taking physical possession of the mortgaged property, including appointment of a Court Commissioner, police protection, and permission to break open locks if necessary.

05] In the cases of **Trade Well vs Indian Bank, 2007 Cri.L.J. 2544** and **Saraswat Co-operative Bank Ltd. Vs State of Maharashtra, 2007 (1) Bom.C.R. (Cri.) 783**, the **Hon'ble High Court** has held that -

> *"Chief Metropolitan Magistrate / District Magistrate acting under Section 14 of the N.P.A. Act is not required to give notice either to the borrower or to the third party. He has to only verify from the bank or financial institution whether notice under Section 13(2) of the N.P.A. Act is given or not and whether the secured asset fall within its jurisdiction. There is no adjudication of any kind at that stage".*

06] The applicants have filed separate affidavit as required by clause (i) to (ix) of the proviso appended to Section 14(1) of the Act. The secured Asset is situated within jurisdiction of this Court. The non-applicants have committed default in repayment of the loan amount. The property mentioned in detail in the application being secured asset is sought to be taken in possession by the applicant for default in repayment of the loan amount. Considering circumstances and above discussion, I come to the conclusion that the applicant is entitled to take possession of the secured asset. The applicant has filed *pursis* on record stating therein that they wish to appoint Advocate Aashlesha Manmode to execute the possession warrant. Therefore, considering the work load on the bailiffs to execute pending warrants, Advocate Aashlesha Manmode can be appointed as Court Commissioner for execution of possession warrant. In the result, I pass following order:-

ORDER

(1)	The application is allowed.
(2)	Issue Possession Warrant as prayed for in the application in respect of the property mentioned in the application as follows :-
	Schedule of Property All that piece and parcel of the immovable property bearing House No.40, ADM. 41.82 Sq.mtrs. along with construction 22.30 Sq.Mtrs., within limits of Grampanchayat Ward No.5 of Nildoh, being part of Mouza - Nildoh, Tah. Hingna, Dist. Nagpur and bounded as under :- East : Aam Road, West : House of Lalkar Shahir, North : House of Jyoti Murkute, South : House of Chandrakant Murkute.
(3)	Advocate Aashlesha Manmode is appointed to take possession of the property mentioned in detail in the application and after taking possession, she is directed to hand over possession of the said property to applicant.
(4)	Permission is granted to break open the locks, if any, found on the property and to prepare the inventory of the goods and articles lying in the secured asset.
(5)	Officer-in-charge of the concerned police station within whose jurisdiction the secured asset is situated is hereby directed to provide police protection for execution of this order, if required.
(6)	The applicant shall comply the order within 60 days only. It is clarified that no further extention would be allowed or granted on any count whatsoever.

(7)	The applicant is directed to pay ₹10,000/- to the Advocate Aashlesha Manmode towards commission fees to execute the order.

RAVI MAGAN GIRI

Digitally signed by RAVI MAGAN GIRI
Location: Nagpur
Date: 2026.06.20 12:40:21 +0530

Nagpur. (R.M. Giri)
Date :- 20/06/2026 23rd Jt. Civil Judge Senior Division,
& Addl.C.J.M., Nagpur.