



**Complaint Registered on :28/02/2026**

**Complaint Decided on :13/03/2026**

**EXH- .**

**CRIMINAL MISCELLANEOUS APPLICATION NO. 2124/2026**

**IN THE COURT OF 4<sup>th</sup> ADDL. CHIEF JUDICIAL  
MAGISTRATE, (COURT NO.5), AHMEDABAD CITY.**

**Applicant : Cholamandalam Investment and Finance  
Company Limited.  
(Through its Authorized Officer : Mr. Rahul  
Jitendrabhai Dhobi )**

**VERSUS**

**Opponent : 1) Mr.Mrs. Karan Anilbhai Patel  
B-51, Surbhi Park, Isanpur, Opp.  
Psupam Complex, Ahmedabad City  
Gujarat-382443.**

**2) Mr/Mrs. Anilkumar Nagarbhai Patel  
B-51, Surbhi Park, Isanpur, Opp.  
Psupam Complex, Ahmedabad City  
Gujarat-382443.**

**3) Mr/Mrs. Ritaben Anilbhai Patel  
B-51, Surbhi Park, Isanpur, Opp.  
Psupam Complex, Ahmedabad City  
Gujarat-382443.**

**4) Mr/Mrs. Karan Anilbhai Patel.**

**Sur No. 615 & 616, Tenament No.B/51  
Surbahi Park (Renuka Co.Op.Hous Soc  
Ltd.) Nr. PArtheshwar Mahadev Temple  
Vatva Isanpur Road, Isanpur, Krushna  
Dham Ahmedabad City-382405.**

- 6) **Mr/Mrs. Ritaben Anilbhai Patel  
Sur No. 615 & 616, Tenament No.B/51  
Surbahi Park (Renuka Co.Op.Hous Soc  
Ltd.) Nr. PArtheshwar Mahadev Temple  
Vatva Isanpur Road, Isanpur, Krushna  
Dham Ahmedabad City-382405.**
7. **Mr/Mrs. Dilip[ C (alias) Dilip C  
Prajapati.  
B-51, Surbhi Park, Isanpur, Opp.  
Psupam Complex, Ahmedabad City  
Gujarat-382443.**

**Appearance :**

- 1)Learned Advocate for the Applicant :Mr. S.S.Bais.  
2)Learned Advocate for the Opponents: -----

**Sub : Application U/s. 14 of the Securitization and  
Recons truction of Financial Assets and Enforcement  
of Security Interest Act 2002 (SARFAESI ACT)**

**ORDER**

1. Present Application is submitted by the applicant U/s. 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SARFAESI ACT) on the ground that, the Opponents approached the applicant for prodcurement of Finance Facility i.e. Housing Loan against property and the applicant sanctioned and disbursed the said facility of an

amount of Rs. 20,00,000/- Opponents have executed requisite security documents in favour of the applicant and the opponents herein created a valid mortgage in favour of the applicant over the property mentioned in Para No.5 of the present application under the heading DESCRIPTION OF THE MORTGAGED PROPERTY/SECURED ASSET. Owned by the Opponents.

2. The applicant has submitted that opponent has failed to make the repayment of the dues therefore, account of the opponent was / has been classified as NPA on 08/12/2025.
3. The applicant issued notice U/s. 13(2) of the SARFAESI on 09/12/2025. The said notice was served to the Opponents. That by way of the said notice the opponent was called upon to pay Rs.21,31,072/- as on 09/12/2025. However, the borrower has failed to repay the same.
4. Learned Advocate for the applicant is present. Heard the Learned Advocate for the applicant. Perused the Record.
5. In view of the Judgment of the Hon'ble Gujarat High Court as decided in SPECIAL CIVIL APPLICATION NO. 215 OF 2011 IN case of IDBI BANK LTD VS. DISTRICT MAGISTRATE AND OTHERS where in Para No. 8 (xi) it is held that :-  
The Chief Metropolitan Magistrate Court has no power to adjudicate the dispute between the parties. Hence this Court cannot go into the merits of the claim.

6. Upon perusal of the Judgement of the Hon'ble High Court of Gujarat, the Chief Metropolitan Magistrate has very limited scope with respect to the cases U/s. 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 (SARFAESI ACT). Hence, this Court can not go into the merits of the claim.
7. Perused the application, affidavit submitted by the authroised officer of the Applicant and documents filed on record of the case.
8. Taking into consideration the Application, Affidavit and documents produced on record It is apparent that applicant has granted the aforesaid financial assistance to the Respondents. In pursuance of such financial assistance Respondents have executed various documents in favour of Applicant to create security interest over the aforesaid secured asset. However, in due course failed to repay loan.
9. Upon perusal of record, I am satisfied that the contents of the affidavit are fully supported by the documents produced. That apart, sufficient time has been given by the applicant to the opponent to make repayment of the outstanding dues but opponent has not paid the outstanding amount. Hence, considering the above facts of the application and in view of the above Judgments of the Hon'ble High Court,. Hence, passed the following order

**O R D E R**

- 1) The Application of the applicant is hereby allowed.
- 2) I authorize Mr. J.N. Patel, Assistant Superintendent, of this Court as Court Commissioners U/s.14 (1-A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002. (in short SARFAESI ACT).
- 3) Court Commissioner is directed to take possession of properties mentioned in Para No. 5 of the present application under the heading DESCRIPTION OF THE MORTGAGED PROPERTY/SECURED ASSET. The description of the properties are as under:-

**DESCRIPTION OF THE MORTGAGED  
PROPERTY/SECURED ASSET.**

Property bearing Dulex No. B-51, Admeasuring 63.02 Sq.mtrs. Land and 86.82 Sq.Mtrs. (72.20 sq.mtrs. as per AMC Tax Bill), in “RENUKA (ISANPUR) Co.Op. Hou.Soc. Ltd” known as “SURBHAI PARK” situated on the land bearing Survey No. 615 and 616 paikli of T.P. Scheme No. 54 Final Plot No. 9 and 10, Mouje-Isanpur,

Taluka-Maninagar, District-Ahmedabad in the District of Ahmedabad and in the registration Sub-District and District of Ahmedabad-5(Narol). Which is bounded as under:-

East : Tenement No. B-52

West : Tenement No. B-50

North : Society Common Road and Tenement No.A-29

South :Other Tenement.

4. If the secured assets is found in closed condition, the Court Commissioners may take possession of this secured assets by breaking / opening the lock or may take any other steps he may think fit.
- 5) After taking the possession of the secured assets, Court Commissioner shall prepare the inventory of any item, Documents relating to the assets if found in secured Assets and handover the same to the applicant.
- 6) Applicant has deposited lumpsum amount of Rs. 20,000/- towards the expenses and remuneration of court commissioner,vide “G” Entry No. 182/25-26 dated 03/03/2026. The Court Commissioners are directed to complete the said procedure within 90 days or within the

time limit extended by the court and submit the compliance report of completion of proceedings.

- 7) The concerned Police Inspector of the concerned police station under whose Jurisdiction, the aforesaid Secured Assets is situated, shall provide necessary police Assistance / protection to the Court Commissioner on the date appointed by the Court Commissioner for taking possession of the secured assets, as per the **Circular of Home Department, Bearing No SB-II, GNH/112017/998-PART FILE Dated 03<sup>rd</sup> December 2020. As per said circular when the question of giving police protection under the SARFAESI Act, arise, at that time, the police authority shall not record any statement of any person nor should call any person to police station for recording the statement and police shall provide the police assistant to the secured creditor. on production of the copy of this order before the concerned police station. The police inspector of the concerned Police Station, shall provide police protection within 30 days from the receipt of the copy of this Court order. The Applicant Bank shall complete**

the necessary formalities for seeking police protection and also bear the expenses thereof. The Court Commissioner may take or cause to be taken such steps and use, or cause to be used such force, as may, in his opinion be necessary. Copy of this Order be sent to the concerned Police Station.

- 8) Applicant shall bear the expenses incurred in taking possession of the secured assets and shall provide all necessary assistance to the court commissioner in taking possession of the secured assets.
- 9) The court commissioner shall carry out the said proceedings on public holidays or except court working hours.

Pronounced in the open court today i.e. on 13/03/2026.

Date:13/03/2026  
Place: Ahmedabad.

[Jitesh Vishnuprasad Joshi]  
4<sup>th</sup> Addl.Chief Judicial Magistrate,  
(Court No. 5) Ahmedabad City.  
Code No.GJ00927

