ORDER BELOW EXH. NO. 1 IN CRI. M. A. NO. 880/2025

This is an application filed by the applicant namely **Chatrapati Rajarshi Shahu Urban Co-op. Bank**., through its authorized officer Shri. Gorakh Balbhim Kadam under Section 14 of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (Hereinafter it is referred as 'SARFAESI' Act for short) seeking assistance for possession of the **House Property** from non-applicants.

02] Applicant states that, the non-applicants have borrowed loan of Rs. 10,00,000/- (Ten Lakh only) from his company. Then the necessary documents were executed. The non-applicants have mortgaged the property mentioned in the application. The non-applicants did not maintain the account properly and their account was declared as N. P. A. on **28/06/2024**. True copy of mortgage Deed and other loan documents are on record. **Also, 'Non Performing Asset' certificate issued by applicants is on record.**

03] The applicant Company issued statutory mandatory Notice dated **16/09/2024** under Section 13(2) of the SARFAESI Act to the non-applicants demanding outstanding amount of

Rs.9,88,355/- (Nine Lac Eighty Eight Thousand Three Hundred Fifty Five Only) to be refunded within within 60 days from the date of the receipt of the notice. But, despite service of notice, non-applicants did not repay the outstanding amount. They also failed to file any objection. The true copy of notice and **postal receipt, along-with postal track report** is on record to substantiate their contention.

04] In case of **Phoenix Arc Pvt. Ltd. Vs. State of Maharashtra, 2023 (1) Mh. L. J. 678,** it has been held by Hon'ble Bombay H.C. that, "*the statutory obligation enjoined upon the CMM/DM is to immediately move into action after receipt of a written application under section 14(1) of the 2002 Act from the secured creditor for that purpose. As soon as such application is received, the CMM is expected to pass an order after verification of compliance of all formalities by the secured creditor referred to in the proviso in section 14(1) of the 2002 Act and after being satisfied in that regard, to take possession of the secured assets and documents relating thereto and to forward the same to the secured creditor at the earliest opportunity.*"

05] In the case in hand, I have verified the documents on record and perused the affidavit of secured creditor/applicant.

Verified the applicant and contents therein. I am satisfied with the contention canvassed by the applicant. Applicant has submitted pursis mentioning the name of **Adv. Sachin Sugriv Kale** to be appointed as commissioner. Hence, I proceed to pass the following order.

<u>O R D E R</u>

1] The applicant Company to take possession of property, all that piece and parcel of the immovable property bearing Grampanchayat House No.134 (City Survey No.465, Sheet No. 3) admeasuring total area 29.73 Sq.mtr. as per PTR duly constructed and situated at village Pali, Taluka Pali, District Beed within the jurisdiction of Sub-Registrar Beed, property in the name of Mr. Bhalchandra Bharti Rote and by taking such steps and using such force as may be legally necessary.

2] The Court Commissioner Adv. **Shri. Sachin Sugriv Kale** is hereby appointed to take and assist to take possession of the mortgage property to applicant. The Court Commissioner shall take the possession of the mortgage property by taking all appropriate steps. If the mortgage property is locked, then by breaking the lock by following procedure in accordance with law.

3] 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 Bank.

4] The applicant Bank shall deposit Court

Commissioner fees i.e. Rs. 10,000/- (Rupees Ten thousand only) as per rules **into the Court within seven days from the date of this order.**

5] Compliance of the order be reported within 90 days of the receipt of this order.

6] Issue writ accordingly.

MANIKRAO SATAV

Digitally signed by MANIKRAO SATAV
Date: 2026.01.05 17:52:57 +0530

Date :- 05/01/2026
Beed.

(Manikrao R. Satav.)
Additional Chief Judicial Magistrate,
Beed.

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original judgment/ order.

Dictated on	:	05/01/2026
Transcribed on	:	05/01/2026
Checked & signed on	:	05/01/2026

NARENDRA KONDIBA JOJARE

Digitally signed by NARENDRA KONDIBA JOJARE
Date: 2026.01.05 17:54:39 +0530

(N.K. Jojare),
Stenographer Grade-1,
Ct. of 7th Jt. C.J.S.D., Beed