MHJG060018072026

ORDER BELOW EXH.1 IN CRI.M.A.NO.249/2026

JM Financial Home Loans Limited Vs. Bharat S. Patil & Othrs.

This is an application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "SARFAESI Act") requesting assistance for taking possession all pieces and parcel of following properties :

1] All that part and parcel of property bearing duplex No.4 C, Built up area 45.49 sq.mtr. & total area 48.45 sq.mtr. of plot No.4 of Gat No.92/2 at Nimkhedi Kh., Tal. & Dist. Jalgaon.

(hereinafter referred to as, 'the property')

2] In short it is contention in the application that, respondents have approached to the applicants and applicant Bank considered the request of respondents and sanctioned Loan amount of Rs.10,79,372/- dated 30/04/2021 vide loan account No.LJAL21000014109. In pursuance of loan respondents have executed the registered mortgage deed of above mentioned the property in favour of the applicant. It is contended that, the respondents have committed default in repayment of loan installments as agreed. After repeated requests and reminders from applicant to the respondents neighter their liability therefore the account of the respondent was classified as N.P.A. on 04/11/2025. Therefore, demand notice dated 10/11/2025 under Section 13 (2) of

SARFAESI Act was issued to the respondents and they were called upon to repay the outstanding amount of Rs.10,70,185/- (Ten Lakh Seventy Thousand One Hundred Eighty Five Only) plus further interest. It is also contended by the applicant that, despite service of demand notice respondents have not complied with it within stipulated period of 60 days.

3] It is settled position of law that, no notice is required to be issued to the borrowers and guarantors when the application under Section 14 of the SARFAESI Act is filed. Therefore, no notices are issued to the respondents.

4] The application under Section 14 of the SARFAESI shall be accompanied by an affidavit duly affirmed by the authorized officer of the said secured creditor declaring the facts mentioned in Section 14 (1) (b) (i) to 14 (1) (b) (ix) is the only requirement to allow this application. Here, in the case in hand the authorized officer of the applicant namely Mr. Bhushan Sunil Chaudhari, has filed his affidavit at Exh.5 declaring therein the mandatory facts as mentioned in Section 14 of the SARFAESI Act. In addition to the affidavit, he has also filed copy of GR issued by Central Government Ministry of India, copy of the letter of authority, copy of loan application, copy of the Sanction Letter, copy of loan agreement, copy of equitable mortgage deed registered with the office of Sub-Registrar, copy of gift deed, copy of loan account statement, copy of certificate under Section 63(4) of B.S.A., 2023, copy of N.P.A. certificate, copy of the 13 (2)-SARFAESI Act, copy of acknowledgment of receipt, copy of postal service report coll., copy of 13/2 notice paper publication, copy of notice u/s. 13(4) SARFAESI Act, copy of acknowledgment receipt, copy of postal service report coll., copy of 13(4) notice paper publication etc.

5] Perused the application, affidavit at Exh.5 filed by Authorized Officer and documents placed on record below list at Exh.3. Heard learned Advocate for the applicant. It is evident from the contents in the application as well as the documents on record that, the applicant has granted the loan to respondents. The mortgage deed reveals that respondents have created security interest over the secured asset in favour of the applicant. From the copy of notice under Section 13 (2) of the SARFAESI Act, it can be seen that the account of the respondents have been classified as non performing asset. The secured asset is the above mentioned property. Therefore, the applicant fulfilled mandatory requirements under the SARFAESI Act, and thereby the applicant is entitled to get assistance to take possession of the secured assets as prayed for. Under such circumstances, this application deserves to be allowed and I pass following order.

ORDER

1] The application is allowed.

2] Advocate Shri. Sandeep Shivaji Thakare, is hereby appointed as Court Commissioner to take possession of the secured assets and handover it to the authorized officer of the applicant.

3] The Court Commissioner to take steps use such force including breaking open the lock by taking assistance of police if required at the expenses of the applicant finance institute and if any articles, documents found in the secured asset and then deliver its possession to the Authorized Officer of the applicant finance institute after preparing panchanama and taking inventory.

4] The Court Commissioner shall report compliance at the earliest from the receipt of the Writ of Commission.

5] The applicant shall deposit Rs.10,000/- (Rs. Ten Thousand Only) for making payment of Court Commissioner's fee in the Court and it be given to the concerned Court Commissioner after due execution of commissioner work.

6] Issue writ of commission accordingly.

RESHMA DAMODAR PUNSE

Digitally signed by RESHMA DAMODAR PUNSE
Date: 2026.07.21 17:44:02 +0530

Date:-21/07/2026. (R.D.Punse)

3rd Civil Judge Senior Division &

Addl. Chief Judicial Magistrate, Jalgaon.