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EXHIBIT	6

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**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE
& ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AT :
JAMNAGAR.**

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Criminal Misc. Application No. 837 of 2026

**EDELWEISS ASSET RECONSTRUCTION
COMPANY LTD.**

(Formerly known as Poonawala Housing Finance Ltd.)
(hereinafter referred as Original Lender/Mortgagee - as
Edelweiss Asset Reconstruction Company Ltd.)

Registered Office at : 1st Floor, Edelweiss House, Off,
CST Road, Kalina, Mumbai 400 098

Through its **Authorized Officer/POA,**
Mr. Satish Badgujar.

...Applicant

V E R S U S

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| 1. Mr. Hiteshbhai Bambhaniya,
(S/D/W of Dalpatbhai Bambhaniya),
2. Ilaben Bambhaniya,
(S/D/W of Laljibhai Bhogayata),
Both are same address : | (Borrower)

(Co-borrower) |
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Mayurnagar Woolanmill Prajapati Ne
Vadi Amar, Jamnagar 361006.

Also At :

Sub-plot No.129/A, R.S. No.144,
At Mayurnagar, Aerodrome Road,
Jamnagar 361001.

...Opponents/Borrowers

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Subject :- Application under Section - 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 for take possession of secure assets for sale.

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Appearance :-

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Advocate for the Applicant/s : Ld. A. P. Fataniya

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:: J U D G M E N T ::

1. The present application is submitted by the applicant under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "SARFAESI Act"), on the ground that opponents approached the applicant for the procurement of finance by way of Credit Facility / Loans against property bearing to the tune of **Rs.18,00,000/- (Rupees Eighteen Lakh Only) vide Loan A/c. No.HM/0225/H/18/100149 dtd. 31-12-2019** and the said opponents have offered their property mentioned in application / affidavit as security for the due payment for the said credit facility with interest cost and charges.

- 1.1** It is stated by the applicant that the borrower were agreed with the terms and the documents so executed by the borrowers and therefore the applicant agreed to provide a loan of **Rs.18,00,000/-** and mortgage charge was created on the property so offered by the opponents. The said borrowers had executed various documents for availing loan, which are attested collectively as Annexure with the application.
- 1.2** It is submitted by the applicant that the said borrowers failed and neglected to pay the installment as and when same fall due. The statement of account of the loan availed by the borrowers are attached with the application as Annexure. As the borrowers failed to make repayment of the dues, the account of the opponents is classified as **Non-Performing Assets i.e. N.P.A. on 05-11-2021** as the opponent fail to pay the outstanding amount as per (RBI) Reserve Bank of India guidelines/directives. ***As on 11.03.2024 the outstanding amount of Rs.24,71,175.34/- (Rupees Twenty-Four Lakh Seventy-One Thousand One Hundred Seventy-Five and Thirty-Four paise only)*** which includes the principal amount as well as interest amount.
- 1.3** The Applicant made several requests to the said borrowers for the repayment of the loan dues. However, the said borrowers failed to pay the dues and the account has continued to remain NPA. On account of continued default by the said borrower, the applicant decided to enforce the

security interest created in favour of the Applicant u/S.13 of the SARFAESI Act, 2002 (in short hereinafter referred to as "said Act" for recovery of dues).

1.4 Further the applicant stated that the Applicant issued a *Notice dtd. 11.03.2024* and sent to the Opponents at the above mentioned address through RPAD/Paper publication u/S. 13(2) of the SARFAESI Act, 2002 to the opponents and calling upon them / him to make the payment sum of Rs.24,71,175.34/- the sum being due as entire outstanding liabilities as on 11.03.2024 together with interest thereon within the period of 60 days from the date of the said notice, failing, which the applicant. Further the applicant stated that applicant is entitled to recover an amount as per Demand Notice of, but as per the latest statement / foreclosure letter an amount of Rs.33,59,387.59/- is due and payable by the Opponents/Borrowers as on dated 04.03.2026 with further interest and expenses till the date of the payment from the Opponents and Opponents are bound to liquidate the same.

1.5 It is submitted that, due to continuous and intentional default on the part of the opponents, the applicant was constrained to exercise the powers conferred under the Act by issuing Notice to the opponents dtd. on 11.03.2024 sent through RPAD. The said Notice was SERVED to the opponents at their last known address, therefore, the Demand Notice was published in two Newspapers as per law i.e., "*Business Standard*" (English) and "*Lokmitra*"

(Gujarati) dated 04.04.2024, however, the opponents have failed to discharge their liability within the stipulated period of 60 days as prescribed under the Act together with other incidental interest, charges etc, failing which it was stated that the applicant would be entitled to exercise all or any of its rights u/s. 13(4) if the SARFAESI Act in respect of the Secured Assets.

- 1.6** Further, the Applicant submits that despite due service of the aforesaid notice, the borrowers failed to clear the outstanding dues payable to the Bank. Upon completion of the 60 day notice period under Section 13(2) of the SARFAESI Act, 2002, no response was received from the Opponents/borrowers. In view of the same, and in light of the order passed by the Hon'ble High Court of Gujarat in *R/Special Civil Application No. 5773 of 2020*, taking symbolic possession of the immovable asset described in the application/affidavit is not mandatory. Therefore, Edelweiss Asset Reconstruction Company Limited has decided to take physical possession of the said asset/property through its Authorised Officer, in accordance with the provisions of Section 13(4) of the Act.
- 1.7** The applicant is therefore constrained to move this application under Section 14 of the Act *inter alia* praying for the assistance for taking physical possession of the said property (Secured Asset) exclusively under the charge with the Co. And hand over the same to Co.

- 1.8** It is also stated by the applicant that in the application that the property situated in the jurisdiction of this Court and therefore this Court has the jurisdiction to take the possession of the said secured assets *i.e.* the property mentioned in the application and deliver the same to the applicant as per Section 14(1) of the SARFAESI Act. The applicant has also stated that the up to the best knowledge of the applicant no order of restraintment or stay has been granted by any Court preventing the applicant from taking possession of the said property, therefore the applicant is entitled for the relief prayed by the applicant.
- 2.** The application of the applicant has supported with all the necessary attested documentary vide Exh.3.
- 3.** On the perusal of record, it appears that the applicant has served the notice under Section 13(2) of the SARFAESI Act to the opponents which is produced along with the documentary list of Annexure. The copy of the Demand Notice issued u/S. 13(2) of the SARFAESI Act alongwith, Postal Tracker/RPAD receipt are also produced at Page Nos.108 to 121. Thus, the applicant has fulfilled all the mandatory requirements of the SARFAESI Act. Moreover, looking to the description of secured asset, it appears that property situated at Mayurnagar, Jamnagar, therefore, this Court having jurisdiction over the property.

4. 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, wherein Para No.8(xi) it is held that :-

8 (xi). *"All such determination is to be made by the Debts Recovery Tribunal including the question whether the asset is a secured asset or not and the Chief Metropolitan Magistrate or the District Magistrate has not been empowered to adjudicate such dispute, but is directed only to assist the secured creditor in taking possession of the secured asset. If they are not empowered to adjudicate the dispute, they cannot also call for the secured creditor to produce any document to decide whether the asset is secured asset or not, which will be futile exercise in absence of power to adjudicate such issue.*

Under Clauses (a) and (b) of Section 14(1), the Chief Metropolitan Magistrate or the District Magistrate and on request, are bound to take possession of the secured assets as also the documents relating thereto. If the documents are to be obtained by them, the question of asking the secured creditor to produce the document in all cases does not arise. Therefore, they do not have jurisdiction even to call for the documents.

5. Therefore, this Court does not have issued notice to the opponent. Moreover, Hon'ble Allahabad High Court has held in the judgment of Shipra Hotels Ltd. and Anr. Vs. State of U.P. on 25.11.2022 that C.M.M. or D.M. is not required to give notice to borrower before passing order u/S.14(1) of SARFAESI Act and held that the C.M.M. has to consider only two aspect :

- (i) *Whether the property situated within the local jurisdiction of C.M.M. ?*
- (ii) *Whether the provision of notice u/S 13(2) of SARFAESI Act is complied with or not ?*

Herein, this case both the aspects are confirmed and complied by the applicant therefore this Court does not have find any reason to issue notice to the opponents (borrower).

6. In the view of judgment of Hon'ble Supreme Court in the case of ***Authorised Officer Indian Bank Vs. D. Visa Lakshmi dtd. 23.09.2019*** para 48 that the A.C.J.M. is empowered to adjudicate such dispute. Upon perusal of the documents it appears that the sufficient opportunity is given by the applicant to the opponent to repayment the outstanding amount hence considering the above facts of the application and the judgment of Hon'ble High Court of Gujarat and the judgment of Hon'ble Supreme Court, this Court is empowered to pass the order to take the possession under Section 14(1)-A of the SARFAESI Act and hence the passing order : -

-:: FINAL ORDER ::-

1. The application of the applicant is hereby Granted.
2. I hereby authorized **Mr. M. H. Khureshi** (Assistant) at 4th Addl. Senior Civil Court, Jamnagar as Court Commissioner under Section 14(1)-A of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
3. The Court Commissioner is directed to take possession of the property mentioned in the present application (secured assets) which is described under :-

ALL THAT PIECE AND PARCEL OF IMMOVABLE PROPERTY BEING SUB-PLOT NO.129/A, R.S. NO.144, AT MAYUR NAGAR, AERODROME ROAD, JAMNAGAR, ADM. 547.13 SQ. FT. PRAJAPATI VADI - 361 001.

Bounded as follows:	
East	9.00 Mtr. Wide Road
West	Plot No.126
North	Plot No.128
South	Sub-plot No.129/B

With all the peace and parcel and rights title and interest in the property mentioned above owned by the opponents.

4. If the house is found locked, the Court Commissioner shall take possession by opening the lock or in any other manner and note thereof shall be made in writing.
5. After taking possession, any materials, documents or things if found the same should be listed and the list thereof shall be handed over to the applicant and the materials, things, documents be handed over to the authorized officer of the bank, a copy thereof be kept with the record.
6. The assistance of the police official of the concerned Police Station in the jurisdiction of which the property is located be made available to the Court Commissioner

while taking possession. The Commissioner shall be entitled to take necessary action for the purpose.

7. The applicant shall bear the costs of recovering the possession as well as the required assistance shall be provided to the Court Commissioner.
8. The applicant has deposited amount of Rs.12,000/- vide **Register C No.34, dated 15/04/2026** towards the expense and remuneration of the Court Commissioner
9. The said work shall be executed by the Commissioner during public holidays or after Court hours.

*Signed and pronounced in open Court today on
this 18th day of April, 2026.*

Date :- 18/04/2026

Place :- Jamnagar.

[**M. K. Kher**]

Principal Senior Civil Judge &
Additional Chief Judicial Magistrate,
Jamnagar, Code: GJ00859