
**IN THE COURT OF 2ND ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, AT KADI, DISTRICT MAHESANA.**

CRIMINAL MISC. APPLICATION NO.719 OF 2025

-:: ORDER BELOW EXH.1 ::-

<p>SUBJECT : APPLICATION UNDER SECTION 14 OF THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT SECURITY INTEREST ACT 2002.</p>

1. The applicant has filed the present application and submitted that, the respondents have approached the applicant for availing loan/ credit facility and accordingly the applicant sanctioned credit loan facility of Rs.33,50,00,000/- on the terms and conditions mentioned in the loan agreement.
 - 1.1 At the time of procuring the aforesaid loan against property facility from the applicant, the opponents being borrower/ co-borrower/ guarantor have executed requisite documents in favor of the applicant, which are produced on record vide DE list at Exh.3 and thus the opponents are liable for repayment of the outstanding amount in the aforesaid loan account. It is further submitted that while availing the financial assistance by way of above referred financial facility and thereby created valid charge/mortgage in favor of the applicant. The description of the secured asset/mortgaged property is mentioned as under : ~

(M.B.Purohit)
2nd A.S.C.J. & A.C.J.M., Kadi

1. Details of Mortgaged property/secured Assets :-

Sr. No.	Description
	Immovable Properties of opponent No.2
1	<p>All that right, title and interest as the exclusive owner of property bearing godown No.8 (Block No.8) with constructor, admeasuring about 119.92 sq.yards, in the scheme known as 'Sahyog Estate' in situated the non-agricultural freehold land bearing Revenue Survey No.437/1 (City Survey Chalta No.58 of sheet No.31) at mouje Isanpur gam, Taluka - Maninagar in the registration district of Ahmedabad and sub-registration district Ahmedabad-5 (Narol) within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Block No.8-1 West : Block No.7 North : Road South : Road.</p>
2	<p style="text-align: center;">(Praying for possession of this property)</p> <p>All that right, title and interest as the exclusive owner of property bearing Shop (Known as shop No.3) bearing Non-agricultural freehold land bearing amalgamated Revenue Survey No.142 Paiki 8 admeasuring about 2737 Sq.mtrs. paiki Eastern side 15.33 Sq.mts. Having construction admeasuring about 165 Sq.mtrs. at Moujde - Karannagar, Taluka-Kadi in the registration District of Mehsana and Sub-registration District-Kadi within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Property of Shamjibhai Mohanbhai West : Shop No.2 North : Kadi-Kalol road South : Property of Shamjibhai Mohanlal</p>
3	<p>All that right, title and interest as the exclusive owner of property bearing Plot No.231, having admeasuring about 200 sq.yards i.e. 167022 sq.mtrs. (Plot area) along with</p>

(M.B.Purohit)
 2nd A.S.C.J. & A.C.J.M., Kadi

	<p>undivided share of land in scheme known as “Transportnagar” in situated within Transportnagar (Aslali) Non-Trading Corporation in situated the non-agricultural freehold land bearing</p> <p>(1) Block No.933 admeasuring about 5970 sq.mtrs. (2) Block No.937 admeasuring about 2023 Sq.mtrs., (3) Block No.938 admeasuring about 7992 Sq.mtrs., (4) Block No.939 admeasuring about 3440 Sq.mtrs., (5) Block No.940 admeasuring about 1213 Sq.mtrs., (6) Block No.941 admeasuring about 7690 Sq.mtrs., (7) Block No.942 admeasuring about 1517 Sq.mtrs., (8) Block No.943 admeasuring about 708 Sq.mtrs., (9) Block No.944 admeasuring about 708 Sq.mtrs., (10) Block No.878 admeasuring about 17805 Sq.mtrs., (11) Block No.877 admeasuring about 7083 Sq.mtrs., (12) Block No.876 admeasuring about 911 Sq.mtrs., (13) Block No.875 admeasuring about 607 Sq.mtrs., (14) Block No.874 admeasuring about 7386 Sq.mtrs., (15) Block No.873 admeasuring about 303 Sq.mtrs., (16) Block No.872 admeasuring about 303 Sq.mtrs., (17) Block No.880 admeasuring about 1821 Sq.mtrs., (18) Block No.866 admeasuring about 7790 Sq.mtrs., (19) Block No.865 admeasuring about 607 Sq.mtrs., (20) Block No.871 paiki admeasuring about 1123 Sq.mtrs., total admeasuring 77000 Sq.mtrs. at Mouje : Aslali, Taluka : Dascroi in the registration District of Ahmedabad and Sub-Registration District Ahmedabad -11 (Aslali) within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : National Highway West : Internal Road of Estate North : Plot No.230 South : Plot No.232</p>
	Immovable Properties of opponent No.3
4	<p>All that right, title and interest as the exclusive owner of property bearing godown No.7 (Block No.7) with construction admeasuring about 138 Sq. yards., in the shcme known as “SAHYOG ESTATE’ in situated the non-agricultural freehold land bearing Revenue Survey No.437/1, (City Survey Chalta No.58 of Sheet No.31) at</p>

	<p>Mouje Ishanpur Gam, Taluka : Maninagar in the registration District of Ahmedabad and sub-registration district Ahmedabad-5 (Narol) within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Block No.8 West : Block No.6 North : Road South : Road</p>
5	<p style="text-align: center;">(Praying for possession of this property)</p> <p>All that right, title and interest as the exclusive owner of property bearing Shop (known as Shop No.1) bearing non-agricultural freehold land bearing amalgamated Revenue Survey No.142 paiki 8 admeasuring about 2737 Sq.mtrs. paiki northern side 88.76.91 Sq.mtrs. paiki western side situated admeasuring about 44.38.45 Sq.mtrs. having construction admeasuring about 15.31.91 Sq.mtrs. at Mouje Karannagar, Taluka : Kadi in the registration district of Mehsana and sub-registration district Kadi within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Property land of amalgamated Revenue survey No.142 paiki Shamjibhai Mohanbhai West : Shop North : Kadi- Kalol road South : Land of amalgamated revenue survey No.142 paiki</p>
6	<p style="text-align: center;">(Praying for possession of this property)</p> <p>All that right, title, interest as the exclusive owner of Property bearing Shop (Known as Shop No. 2) bearing Non-agricultural freehold Land bearing Amalgamated Revenue Survey No. 142 Paiki 8 admeasuring about 2737 Sq. Mtrs. Paiki Northern side 88.76.91 Sq. Mtrs. Paiki Western side admeasuring about 44.38.45 Sq. Mtrs. having Construction admeasuring about 15.32.91 Sq. Mtrs. at Mouje Karannagar, Taluka Kadi in the Registration District of Mehsana and Sub Registration District Kadi within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Property of Shamjibhai Mohanbhai West : Survey No. 142</p>

	North : Kadi - Kalol Road South : Property of Shamjibhai Mohanhbai
7	<p>All that right, title interest as the exclusive owner of Property bearing Flat No. 201 Super built up area admeasuring about 515.00 Sq. fts. Equivalents to 57.22 Sq. Yards. i.e. 47.84 Sq. Mtrs. on 2nd Floor, together with undivided proportionate share in underneath land admeasuring about 10.40 Sq. Mtrs. and proportionate share in Road and COP admeasuring about 5.70 Sq. Mtrs. of Building No. 11 of Priyanka Intecity, constructed on the land bearing Revenue Survey No. 34/7 its Block No. 53/1+2 of Village Magob, Taluka Choryasi, District - Surat, within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East: OTS West: Passage/Stair way North: Building No. 12 site OTS South: Flat No. 202</p>
	Immovable Properties of Opponent No. 2 & 3
8	<p>All that right, title, interest as the exclusive owner of Property bearing Shop No. 12 & 13, on Ground Floor, Each Shop admeasuring about 180 Sq. fts. Equivalent to 16.72 Sq. Mtrs. along with undivided share of land in the scheme known as "Vijay Plaza Complex" a scheme of Vishwash Complex Owners Association as a member of New Vijay Co. Op. Housing Society Ltd. In situated the Non-agricultural freehold Land bearing T.P. Scheme No. 2 and Final Plot No. 127, Hissa No. 1/A Paiki at Mouje Rajpur- Hirpur, Taluka Maninagar in the Registration District of Ahmedabad and Sub-District : Ahmedabad-7 (Odhav) within the State of Gujarat</p>
9	<p>All that right, title, interest as the exclusive owner of Property bearing Plot No. B-47, having admeasuring about 670 Sq. Yards. i.e. 560.12 Sq. Mtrs. (Plot Area) along with undivided share of Land in the scheme known as "Anmol Village" a scheme of Anmol Association (Maninagar) in situated the Non- agricultural freehold Land bearing Block No. 139 admeasuring about 51699 Sq. Mtrs. and Block No. 174 admeasuring about 20639 Sq. Mtrs. total admeasuring 72338 Sq. Mtrs. at Mouje Raska, Talulka Mahemadabad in the Registration District of Kheda and Sub Registration District Mahemdabad within the State of Gujarat which is bounded as under: -</p>

	<p>East: Plot No. 46-B West: Plot No. 48-B North: Common Road South: Land of Other Block</p>
	Immovable Property of Opponent No.4
10	<p>All that right, title, interest as the exclusive owner of property bearing Shop No. 7, on Ground Floor admeasuring about 180 Sq. ft. i.e. 16.72 Sq. Mtrs. along with undivided share of land in the scheme known as "Vijay Plaza Complex" a scheme of Vishwash Complex Owners Association as a member of New Vijay Co. Op. Housing Society Ltd. in situated the Non-agricultural freehold Land bearing T.P.Scheme No. 2 and Final Plot No. 127, Hissa No. 1/A Paiki at Mouje Rajpur-Hirpur, Taluka Maninagar in the Registration District of Ahmedabad and Sub Registration District Ahmedabad-7 (Odhav) within the State of Gujarat which is bounded as under: East: Office No. 8 West: Office No. 6 North: Passage South: Office No. 13</p>
11	<p>All that right, title, interest as the exclusive owner of property bearing Shop No. 8, on Ground Floor admeasuring about 180 Sq. ft. i.e. 16.72 Sq. Mtrs. along with undivided share of land in the scheme known as "Vijay Plaza Complex" a scheme of Vishwash Complex Owners Association as a member of New Vijay Co. Op. Housing Society Ltd. in situated the Non-agricultural freehold Land bearing T.P.Scheme No. 2 and Final Plot No. 127, Hissa No. 1/A Paiki at Mouje Rajpur-Hirpur, Taluka Maninagar in the Registration District of Ahmedabad and Sub Registration District Ahmedabad-7 (Odhav) within the State of Gujarat which is bounded as under: East: Office No. 9 West: Office No. 7 North: Office No. 12 South: Passage</p>
12	<p>All that right, title, interest as the exclusive owner of property Plot No.A/16, having plot area admeasuring about 568.95 togetherwith proportionate undivided share</p>

	<p>admeasuring about 80.62 Sq. mtrs int he common open plots and undivided share admeasuring about 154.01 sq.mtrs. in the roads, aggregating to 803.58 sq.mtrs. in the scheme known as "Nal Safatri Farm", constructed on the land bearing Survey No.91/4 paiki (Old Revenue Survey No.91/4, 91/5, 94/1, 94/2, 95/1, 95/2, 95/2, 96/1, 96/2, 97/1, 97/2, 100/1, 100/2, 102/1, 102/2 paiki) at Moje : Kundal, Taluka : Sanand, Registration District sub-district Sanand, within the State of Gujarat which is bounded as under: East: Plot No.A/22 West: 7.50 mtrs. Wide road North: Plot No.A/15 South: Plot No.A/17</p>
13	<p>All that right, title, interest as the exclusive owner of property bearing Shop No. G/F/02, on Ground Floor admeasuring about 14.85 Sq. mtrs. along with undivided share of land in the scheme known as "Vijay Plaza Complex" a scheme of Vishwash Complex Owners Association as a member of New Vijay Co. Op. Housing Society Ltd. in situated the Non-agricultural freehold Land bearing T.P.Scheme No. 2 and Final Plot No. 127, Hissa No. 1/A Paiki at Mouje Rajpur-Hirpur, Taluka Maninagar in the Registration District of Ahmedabad and Sub Registration District Ahmedabad-7 (Odhav) within the State of Gujarat which is bounded as under: East: Office No. 3 West: Common Passage North: Office No. 1 South: Office No.18</p>
14	<p>All that right, title, interest as the exclusive owner of property bearing Shop No. G/F/03, on Ground Floor admeasuring about 14.85 Sq. mtrs. along with undivided share of land in the scheme known as "Vijay Plaza Complex" a scheme of Vishwash Complex Owners Association as a member of New Vijay Co. Op. Housing Society Ltd. in situated the Non-agricultural freehold Land bearing T.P.Scheme No. 2 and Final Plot No. 127, Hissa No. 1/A Paiki at Mouje Rajpur-Hirpur, Taluka Maninagar in the Registration District of Ahmedabad and Sub Registration District Ahmedabad-7 (Odhav) within the State of Gujarat</p>

	<p>which is bounded as under: East: Office No. 4 West: Common Passage North: Office No.2 South: Office No.17</p>
15	<p>All that right, title, interest as the exclusive owner of property Plot No. 392, having plot area admeasuring about 400 Sq. Yards. i.e. 334.47 Sq. Mtrs. with to be constructed thereon alongwith undivided proportionate land in the scheme known as "Green City" the land bearing Block No. 385 Paiki at Mouje - Ghuma, Taluka - Ghatlodiya, Registration District Sub-District Ahmedabad-9 (Bopal) within the State of Gujarat and which is the property bounded as under: East: Road West: Plot No. 434 North: Plot No. 393 South: Plot No. 391</p>
16	<p>All that right, title, interest as the exclusive owner of Commercial property bearing Revenue Survey No. 89/1, Final Plot No. 297 Part of Town Planning Scheme No. 1 area with Construction admeasuring in aggregate about 71.34 Sq. Mtrs. situated lying and being at Mouje Unjha, Taluka - Unjha, Registration District Mehsana North Gujarat, with the State of Gujarat.</p>
17	<p>All that right, title, interest as the exclusive owner of property bearing Tenament No. 78, having plot area admeasuring about 167.22 Sq. Mtrs. (Plot area) with construction Consisting of Ground Floor and First Floor total admeasuring about 225.75 Sq. Mtrs. (As mentioned in sale deed), situated within Nirmal Co. Op. HOUSING SOCIETY LTD. in situated and lying on Freehold Non-agricultural Land bearing T.P. Scheme No. 52 and Final Plot No. 1 (Old Revenue on 202 Paiki) of Mouje - Rajpur-Hirpur, Taluka - Maninagar, District : Ahmedabad in the Registration Sub-District of Ahmedabad-7 (Odhav) within the State of Gujarat and the said tenament is bounded as under: East: Society Internal road after tenament No.51 West: Sunil Society</p>

North: Tenament No.79 South: Tenament No.77 with wall
--

It is pertinent to note at this juncture that, the applicant has submitted that opponent Nos. 2 to 4 had created security interest in favor of the applicant bank on above mentioned immovable properties but the applicant has submitted that the present application is moved for secured assets of opponent Nos. 2 & 3 only and prayed for taking possession of the below mentioned properties :

Immovable Properties of Opponent No.2	
1	<p>All that right, title and interest as the exclusive owner of property bearing Shop (Known as shop No.3) bearing Non-agricultural freehold land bearing amalgamated Revenue Survey No.142 Paiki 8 admeasuring about 2737 Sq.mtrs. paiki Eastern side 15.33 Sq.mts. Having construction admeasuring about 165 Sq.mtrs. at Moujde - Karannagar, Taluka-Kadi in the registration District of Mehsana and Sub-registration District-Kadi within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Property of Shamjibhai Mohanbhai West : Shop No.2 North : Kadi-Kalol road South : Property of Shamjibhai Mohanlal</p>
-	
Immovable Properties of Opponent No.3	
1	<p>All that right, title and interest as the exclusive owner of property bearing Shop (known as Shop No.1) bearing non-agricultural freehold land bearing amalgamated Revenue Survey No.142 paiki 8 admeasuring about 2737 Sq.mtrs. paiki northern side 88.76.91 Sq.mtrs. paiki western side situated admeasuring about 44.38.45 Sq.mtrs. having</p>

	<p>construction admeasuring about 15.31.91 Sq.mtrs. at Mouje Karannagar, Taluka : Kadi in the registration district of Mehsana and sub-registration district Kadi within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Property land of amalgamated Revenue survey No.142 paiki Shamjibhai Mohanbhai West : Shop North : Kadi- Kalol road South : Land of amalgamated revenue survey No.142 paiki</p>
2	<p>All that right, title, interest as the exclusive owner of Property bearing Shop (Known as Shop No. 2) bearing Non-agricultural freehold Land bearing Amalgamated Revenue Survey No. 142 Paiki 8 admeasuring about 2737 Sq. Mtrs. Paiki Northern side 88.76.91 Sq. Mtrs. Paiki Western side admeasuring about 44.38.45 Sq. Mtrs. having Construction admeasuring about 15.32.91 Sq. Mtrs. at Mouje Karannagar, Taluka Kadi in the Registration District of Mehsana and Sub Registration District Kadi within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Property of Shamjibhai Mohanbhai West : Survey No. 142 North : Kadi - Kalol Road South : Property of Shamjibhai Mohanbhai</p>

1.1 Further, it is submitted that, the opponent as security for repayment of the said facilities and for repayment of the same, the borrower/opponent created a valid mortgage in favor of the applicant bank, for mortgage of the said properties by way of registered mortgaged deed. The applicant bank submits that the aforesaid credit facilities are secured inter-alia by the mortgage charge on the said immovable property by equitable mortgage as borrower and thus opponent is borrower/mortgagors within the meaning of Sec.2(1)(f) of the Act. Further, it is submitted that, the opponents have agreed upon with the terms and conditions of

(M.B.Purohit)
2nd A.S.C.J. & A.C.J.M., Kadi

the applicant at the time of procurement of said facility, but, they did not care to repay the loan amount as per the terms and conditions agreed between the applicant and the borrower and accordingly the account of the borrower was classified as Non performing asset i.e. 'NPA' on 30.09.2019. **Notice U/s. 13(2) of the Act, calling upon the opponents was issued on 10.10.2019** and it was published in two leading news papers (one in vernacular) and affixed the notice on conspicuous part of the mortgage property thereby, borrowers were called upon to make payment of sum of Rs.32,20,60,694.19 in respect of loan A/c. No.4441008700000240 and Rs.2,16,484.34 in respect of loan A/c. No.0005008701235342 **Total Rs.32,22,77,178.53 (Rupees Thirty Two crore Twenty Two Lacs Seventy Seven Thousand One Hundred Seventy Eight and paisa fifty three only)** with interest as on 30.09.2019 within statutory period of 60 days as prescribed under the Act, failing which it was stated that applicant Bank would be entitled to exercise all or any of its rights U/s. 13(4) of the Act in respect of the secured asset and the said notice was served to the opponent-borrowers, however, they have neither replied the notice nor raised any objection in this regard. That there was efficacious service of notice on all the known addresses. That due to continuous and intentional default on the part of the borrowers, the applicant was constrained to exercise the powers conferred under the SARFAESI Act by issue Notice upon the borrowers U/s. 13(2) of the said Act, failing which it was stated that the applicant Bank would be constrained to take recourse under the provisions of the said Act in respect of

the secured asset. Further, even after several requests of the applicant for the payment of the loan dues or have not complied with the applicant's demand notice within stipulated time, the authorised officer of the applicant Bank has issued notice for demanding peaceful vacant possession of property in question but the borrower/opponent have not handed over the same and thus, authorised officer of the applicant went to take **symbolic possession** of the secured assets and carried out Panchnama on 03.01.2020, 04.01.2020 & 06.01.2020. Thereafter the said possession Notices were published in two newspapers on 08.01.2020. Under such circumstances, the applicant constrained to file the present application against the opponents under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002 (herein after referred as (SARFAESI Act) for taking possession of secured asset as defined in section-2 (ZC) of the SARFAESI Act.

- 1.2 It is further averred in the application that the applicant has satisfied all the requirement of Section 14 of the SARFAESI Act and the applicant's authorized officer has submitted his affidavit to that effect. Hence, the present application whereby the applicant has prayed to take the possession of the secured asset as per the provision of Sec.14 & 14(1-A) of the SARFAESI Act, 2002 and to deliver the possession to the applicant for the purpose of enforcing the security interest and to realise the secured debt of part thereof by effecting sale of the secured assets. Further, requested to initiate and take all necessary steps including breaking open the lock and to use or cause to be used

such police force as this Hon'ble Authority may deem just and proper and may be necessary for taking the possession, including directing the concerned police station for giving police protection.

2. As per the ratio laid down in the judgment of **Jagdishbhai Dayabhai (Third Party) Appellant V/s Devani** respondents reported in LAWS (GJH) 26/12/2018 held that it is not mandatory to issue notice to other party for the procedure under section 14 of the SARFAESI Act and hence, the present case proceeds.
3. Before determination of the present case, it would be necessary to refer some of the pronouncements governing the determination of an application filed under Sec.14 of the SARFAESI Act, 2002 as under :
 - (1) The Hon'ble Supreme Court in ***“Standard Chartered Bank V/s Noble Kumar”*** reported in (2013) 9 SCC 620
 - (2) The Hon'ble High Court of Gujarat has ***in IDBI Bank Ltd. Through authorised Signatory V/s District Magistrate”*** reported at 2011 SCC Online Guj.1280
 - (3) The Hon'ble Supreme Court has in ***Indian Bank V/s D.Visalakshi*** reported in (2019) 20 SCC 47
 - (4) The Hon'ble Bombay High Court in CA ***Manisha Mehta and Ors. V/s The Board of Directors of Represented by its Managing Director of ICICI Bank and Ors. Reported in AIRONLINE 2022 Bom.1846***
 - (5) The Hon'ble Gujarat High Court ***in Devani Jagdishbhai Dayabhai (Third Party) Appellant V/s District Magistrate Surat*** respondents reported in LAWS (GJH) 2018-12-26.
- 3.1 Moreover, as per the recent judgment of Hon'ble Supreme

Court of India in case of **M/s R.D.Jain V/s Capital First Ltd. Dtd.27/7/2022**, this court being Additional Chief Judicial Magistrate is also covered under provision of SARFAESI Act, in terms of “Chief Judicial Magistrate”. Therefore, this court has been empowered by the said judgment.

4. Considering the material produced by the applicant and perusing the Affidavit submitted by the authorized officer of the applicant, it transpires to this Court that the applicant has satisfied the requirement perusing the affidavit submitted by the authorized officer of the applicant, it transpires to this court that the applicant has satisfied the requirement of section 14 of the SARFAESI Act so as to entitle it to have assistance of this court. The secured asset has been situated within the jurisdiction of this court. As per the pronouncement of Hon’ble Supreme Court in Indian Bank Case(Supra), the Chief Judicial Magistrate is also empowered to entertain the application filed under section 14 of the SARFAESI Act. Hence, in view of the aforesaid reasons and discussion made herein above, I pass following final order in the interest of justice.

-:: FINAL ORDER ::-

1. The Application of the applicant is hereby allowed.
2. I authorize, (1) Mr.M.R.Rawal, (2) Mr.P.K.Jain, (3) Mr.A.K.Solanki, to act as Court Commissioners under section- 14(1-A) of the Securitisation and Reconstruction of

(M.B.Purohit)
2nd A.S.C.J. & A.C.J.M., Kadi

Financial Assets and Enforcement of Security Interest Act, 2002.

3. Court Commissioners are directed to take possession of asset and forward such asset to the secured creditor. The description of such Mortgaged Property/ Secured Asset is as under : -

Details of Immovable Assets : -

Immovable Properties of Opponent No.2	
1	<p><u>Court Commissioner : Mr.M.R.Rawal</u> All that right, title and interest as the exclusive owner of property bearing Shop (Known as shop No.3) bearing Non-agricultural freehold land bearing amalgamated Revenue Survey No.142 Paiki 8 admeasuring about 2737 Sq.mtrs. paiki Eastern side 15.33 Sq.mts. having construction admeasuring about 165 Sq.mtrs. at Mouje - Karannagar, Taluka-Kadi in the registration District of Mehsana and Sub-registration District-Kadi within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Property of Shamjibhai Mohanbhai West : Shop No.2 North : Kadi-Kalol road South : Property of Shamjibhai Mohanlal</p>
-	
Immovable Properties of Opponent No.3	
1	<p><u>Court Commissioner : Mr.P.K.Jain</u> All that right, title and interest as the exclusive owner of property bearing Shop (known as Shop No.1) bearing non-agricultural freehold land bearing amalgamated Revenue Survey No.142 paiki 8 admeasuring about 2737 Sq.mtrs. paiki northern side</p>

	<p>88.76.91 Sq.mtrs. paiki western side situated admeasuring about 44.38.45 Sq.mtrs. having construction admeasuring about 15.31.91 Sq.mtrs. at Mouje Karannagar, Taluka : Kadi in the registration district of Mehsana and sub-registration district Kadi within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Property land of amalgamated Revenue survey No.142 paiki Shamjibhai Mohanbhai West : Shop North : Kadi- Kalol road South : Land of amalgamated revenue survey No.142 paiki</p>
2	<p><u>Court Commissioner : Mr.A.K.Solanki</u></p> <p>All that right, title, interest as the exclusive owner of Property bearing Shop (Known as Shop No. 2) bearing Non-agricultural freehold Land bearing Amalgamated Revenue Survey No. 142 Paiki 8 admeasuring about 2737 Sq. Mtrs. Paiki Northern side 88.76.91 Sq. Mtrs. Paiki Western side admeasuring about 44.38.45 Sq. Mtrs. having Construction admeasuring about 15.32.91 Sq. Mtrs. at Mouje Karannagar, Taluka Kadi in the Registration District of Mehsana and Sub Registration District Kadi within the State of Gujarat which is bounded as under :</p> <p>Boundaries : East : Property of Shamjibhai Mohanbhai West : Survey No. 142 North : Kadi - Kalol Road South : Property of Shamjibhai Mohanbhai</p>

4. If the secured assets is found in closed condition, the Court Commissioner may take possession of this secured assets by breaking/opening the lock or may take any other steps she/he may think fit.
5. After taking possession of the said secured Assets, the Commissioner shall prepare the inventory of assets and if

(M.B.Purohit)
2nd A.S.C.J. & A.C.J.M., Kadi

found any documents relating to the assets in secured Assets, then handover the same to the applicant.

6. Copy of this order be sent to the concerned Police Station. The 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.
7. The Applicant Bank shall complete the necessary formalities for seeking police protection and also bear the expenses thereof.
8. The Court Commissioner may take or cause to be taken such steps and use, or cause to be used such force, as may, in her/his opinion be necessary.
9. As applicant shall bear the expenses incurred in taking possession of the secured assets and shall provide all necessary assistance to the Court Commissioners in taking possession of the secured assets. Applicant has hereby deposited lump-sum amount of Rs.15,000/- towards the expenses and remuneration of **each Court Commissioner**. The Court Commissioner is directed to complete the said procedure within 60 days or within the time limit extended by the Court and submit the compliance report of completion of proceedings.

(M.B.Purohit)
2nd A.S.C.J. & A.C.J.M., Kadi

10. The Court Commissioner shall carry out the said proceedings on public holidays or except court working hours.

Pronounced in the open Court on this 16th Day of March, 2026.

Date : 16.03.2026

Place: Kadi.

(M.B.Purohit)

2nd Addl. Chief Judicial Magistrate

District Mahesana.

[Code No.GJ01411]

**J.P.T.*