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DURATION : YY MM DD
00-02-28

IN THE COURT OF HON'BLE PRINCIPAL SENIOR CIVIL JUDGE
AND ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
DHRANGADHRA.

Criminal Misc. Application No. 187/2026
Exhibit :-

Canara Bank
Having registered office at:
112, J.C.Road, Bangalore,
Karnataka.

And having its Branch Office At:
BO-3, Parivar Avenue, Ground Floor,
Nr. Mamtaben Hospital, Dhrangadhra,
Dist. Surendranagar. 363310.

Through Authorised Officer: Shri Anurag Kumar

..... Applicant.

Versus

1] Shri Sanjaybhai Nagjibhai Ghanghar
R/o. Rajpar, Village Soladi,
Ta. Dhrangadhra, Dist. Surendranagar. 363310.

..... Opponent

APPEARANCE : Advocate S.R.Solanki for the applicant.

Subject : An application U/s 14 of the Securitization and Reconstruction of Financial Assets & Enforce -ment of Security Interest Act, 2002 (Sarfaesi Act) for taking over the assets / properties / of the respondent.

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

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 2022 (SURFAESI ACT) on the ground that, the Opponents had approached and requested the Applicant for the grant of Various Credit Facilities and pursuant to that the Applicant Bank had sanctioned the said Home Loan/Mortgage Loan, Facilities of 1] Rs.5,00,000/-, 2] Rs.15,00,000/- as on dated:- 20/02/2024 against property vide Agreement No./loan A/c No. 125005470543 and 170012266764 and the Opponents have offered his properties mentioned in the Application.

2. The Applicant has submitted that opponents has failed to make the repayment of the dues therefore, account of the opponents was/has been classified as NPA on 19/02/2026.

3. The Applicant issued notice U/s. 13(2) of the SARFAESI on 21/02/2026 and the said Notice was served and papers publication in Finacial Express on 13-05-2026. Since, Borrowers have not complied with the applicant's demand notice within stipulate time. That by way of the said notice the opponent was called upon to pay Rs. 14,10,072.51/- inclusive of interest upto dated 21/02/2026, as per Application is due as outstanding. However the borrower has failed to repay the same.

4. Heard the Learned Advocate for the Applicant. Persued the Record.

5. Perused the application, affidavit submitted by the Authorised Officer of the Applicant and documents filed on record of the case.

6. 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.

7. Upon perusal of the Judgment of the Hon'ble High court of Gujarat, the Chief Metropolitan Magistra 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 cannot go into the merits of the claim.

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. I am satisfied that the contents of the affidavit are fully supported by the documents produced. In this case, the opponents have got financial assistance from the applicant and have not repaid the amount. Apart from that, sufficiant time has been given by the applicant to the opponents to make repayment of the outstanding dues, but the opponents failed to re-pay the outstanding amount. Consequent upon such default in repayment of the financial assistance, the account of the borrowers has been classified as a non performing asset on date 19/02/2026. Affirming that when the period of sixty days notice dated 21/02/2026 as required by

provisions of sub-section (2) of section 13, demanding payment of the defaulted financial assistance were duly served to the borrowers. However, the borrowers did not reply of the notice and therefore, the Authorized Officer is entitled to take possession of the mortgaged assets under the provisions of sub-section (4) of the section 13 read with section 14 of the Principal Act. Futher, the property is also situated in jurisdiction of this court. Hence, considering the above discussion, I pass the following Final Order :

-:: F I N A L O R D E R ::-

1. The Application of the applicant is hereby allowed.

2. I, authorize, Mr.R H Mankad, Assistant of this Court, as Court Commissioner U/s. 14(1-A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securiy Interest Act 2002. (in short SARFAESI ACT).

3. Court Commissioner is directed to take possession of properties mentioned in the Application.

-: DESCRIPTION OF PROPERTY :-

Commercial Property First Floor Shop No. F-6 area 9.504 sq.mtrs., Shop No. F-7 area 9.504 sq.mtrs., Shop No. F-8 area 8.838 sq.mtrs. and Shop No. F-9 area 13.093 sq.mtrs., bearing Dhrangadhra City Survey Ward No. 1, City Survey No. 1030 sq.mtrs 363.34 paiki land admeasuring 163.93 sq.mtrs paiki, within limits of Dhrangadhra Nagarpalika, situated at place known as "Vishal Chamber", Old Market Road, at Ta. Dhrangadhra, Dist. Surendranagar.

Bounded as Follow:-

Shop No. F-6

East by : Bounded by 2.55 meter wide passage
West By : Bounded by SBI Bank Khanchalu
North By : Adjacent to Shop No. F-7
South By : Bounded by city survey No. 1030/P

Shop No. F-7

East by : Bounded by 2.55 meter wide passage
West By : Bounded by SBI Bank Khanchalu
North By : Adjacent to Shop No. F-8
South By : Adjacent to Shop No. F-6

I, authorize, Mr.K.M.Chauhan, Assistant of this Court, as Court Commissioner U/s. 14(1-A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securiy Interest Act 2002. (in short SARFAESI ACT).

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Bounded as Follow:-

<u>Shop No. F-8</u>

East by	:	Bounded by 2.55 meter wide passage
West By	:	Bounded by SBI Bank Khanchalu
North By	:	Bounded by Chamber Stair area
South By	:	Adjacent to Shop No. F-7

<u>Shop No. F-9</u>

East by	:	Bounded by 2.55 meter wide passage
West By	:	Bounded by Chamber Stair area
North By	:	Bounded by Old Shakmarket Road
South By	:	Bounded by Chamber Stair area

4. After taking the possession of the secured asset, the Court Commissioner shall prepare the inventory of any item documents relating to the asset, if found in secured asset and handover the same to the applicant.

5. The concerned Police Inspector of the concerned police station, under whose jurisdiction, the aforesaid secured asset 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 asset, as per the Circular of Home Department, bearing No. SB-II, GNH/112017/998-PART FILE, dated 03-12-2020. 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.

6. The applicant shall complete the necessary formalities for seeking police protection and also bear expenses thereof.

7. Copy of this Order be sent to the concerned Police Station.

8. Applicant shall bear the expenses incurred in taking possession of the secured asset and shall provide all necessary assistance to the Court Commissioner in taking possession of the secured assets.

9. Applicant is hereby directed at present to deposit lumpsum amount of Rs. 80,000/- (Eighty Thousand Only) towards the expenses and remuneration of the Court Commissioner, within One Month form the date of order.
Rs. 40,000/- (Fourty Thousand Only) for the property belowe

Shop No. F-6

East by	:	Bounded by 2.55 meter wide passage
West By	:	Bounded by SBI Bank Khanchalu
North By	:	Adjacent to Shop No. F-7
South By	:	Bounded by city survey No. 1030/P

Shop No. F-7

East by	:	Bounded by 2.55 meter wide passage
West By	:	Bounded by SBI Bank Khanchalu
North By	:	Adjacent to Shop No. F-8
South By	:	Adjacent to Shop No. F-6

And Rs. 40,000/- (Fourty Thousand Only) for the property belowe

Shop No. F-8

East by	:	Bounded by 2.55 meter wide passage
West By	:	Bounded by SBI Bank Khanchalu
North By	:	Bounded by Chamber Stair area
South By	:	Adjacent to Shop No. F-7

<u>Shop No. F-9</u>

East by	:	Bounded by 2.55 meter wide passage
West By	:	Bounded by Chamber Stair area
North By	:	Bounded by Old Shakmarket Road
South By	:	Bounded by Chamber Stair area

10. On depositing the above said amount in the Court, the Court Commissioner is directed to complete the said procedure within 30 days or within the time limit extended by the Court and submit the Compliance report of completion of proceedings.

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

Order signed and pronounced in open Court.

Date :- 24/08/2026
Dhrangadhra

(Ashishkumar Hasmukhlal Dave)
Additional Chief Judicial Magistrate,
Dhrangadhra.
Judge Code : GJ01230