GJVD050011332026

Received on	02/06/2026
Registered on	02/06/2026
Evidence concluded on	18/06/2026
Arguments concluded	18/06/2026
Reserved for Judgment	20/06/2026
Judgment declared on	20/06/2026

Duration: 0 Year/ 0 Month/18 Days

IN THE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AT: SAVLI, DIST: VADODARA

Criminal Misc. Appli. No.192/2026

Applicant :-

Ujjivan Small Finance Bank Limited

A Company incorporated under the Companies Act 2013 and a Banking Company within the meaning of the Banking Regulation Act, 1949.

Having its Registered Office at :

Grape Garden, No. 27, 3rd “A” Cross, 18th Main, 6th Block, Koramangala, Bengluru – 560095, Karnataka.

It’s Branch Office at :

U.G.22 to 29, Shreenath Complex, Opp. Dream Honda Show Room, Udhana Road, Udhana, Surat 394210.

Through its Authorized Officer,
Mr. Moinbhai Vhora

V E R S U S

Opponent :-

1. Gohil Hasmukhbhai Umedbhai (Borrower)

Add : Ranchhodpura, Bhadarva, Vadodara, Bhadarva, Gujarat 391780.

Also at : NBC Bearing Pvt. Ltd., Plot No. 2-17/3, Savli, G.I.D.C., Manjusar-Alinodra-Estate-Vadodara. Savli, Vadodara, Gujarat 391775.

Also at : House No. 263, Ramdevji Vadu Faliyu, Near Ramdevji Maharaj Temple, Ranchhodpura Village, Bhadarva-Savli Road, Savli Taluka, Vadodara District 391780.

2. Ghanshyambhai Gohil (Co-Borrower)

Add : Taluka- Savli, Ranchhodpura, Vadodara, Ranjit Nagar, Gujarat 391780.

Also at : Ranchhodpura, Bhadarva, Vadodara, Bhadarva, Gujarat 391780.

Also at : House No. 263, Ramdevji Vadu Faliyu, Near Ramdevji Maharaj Temple, Ranchhodpura Village, Bhadarva-Savli Road, Savli Taluka, Vadodara District, 391780.

3. Umdebhai Gohil (Co-Borrower)

Add : Deri Faliyu, Ranchhodpura, Vadodara, Ranjit Nagar, Gujarat – 391780.

Also at : Ranchhodpura, Bhadarva, Vadodara, Bhadarva, Gujarat 391780

Also at : House No. 263, Ramdevji Vadu Faliyu, Near Ramdevji Maharaj Temple, Ranchhodpura Village, Bhadarva-Savli Road, Savli Taluka, Vadodara District, 391780.

4. Sumiben Gohil (Co-Borrower)

Add : Ranchhodpura, Bhadarva, Vadodara, Bhadarva, Gujarat 391780.

Also at : House No. 263, Ramdevji Vadu Faliyu, Near Ramdevji Maharaj Temple, Ranchhodpura Village, Bhadarva-Savli Road, Savli Taluka, Vadodara District, 391780.

Appearance:

Ld. Advocate **Mr. S. A. Ghevariya** for Applicant.

None appeared on behalf of Opponent.

Subject :- Judgement in The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

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

(1) Present application is filed by applicant (secured creditor) namely **Ujjivan Small Finance Bank Limitedthrough its Authorized Officer -Mr. Moinbhai Vhora** under section-14 of THE SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002 (herein after referred as SARFAESI Act for brevity) against respondents namely **(1) Gohil Hasmukhbhai Umedbhai (Borrower), (2) Ghanshyambhai Gohil (Co-Borrower), (3) Umdebhai**

Gohil (Co-Borrower) & (4) Sumiben Gohil (Co-Borrower). Along-with this application affidavit as per section-14 of the Act is filed. Affidavit with regard to property (secured assets) is also mentioned in **Schedule.** Check-list is also produced along-with this application. List of the documents also came to be filed at **Exh.-3.**

(2) Be it noted that, as per judgement of Hon'ble Allahabad High Court in case of ***Shipra Hotels Limited Vs. State of U.P. in WRIT - C No. - 22594 of 2022. Dtd. 25.11.2022*** has observed as under with regard to issuing notice to the borrower before deciding an application filed under section-14 of SARFAESI Act.

> *"52. In view of the above discussion,* ***it is held that the CMM/DM acting under Section 14 of the SARFAESI Act, 2002 is not required to give notice to the borrower at the stage of the decision or passing order as no hearing can be demanded by the borrower at this stage.*** *However, it is clarified that the order passed by such Magistrate has to be duly served upon the borrower before taking any steps for his forcible dispossession by such steps or use of force, as may be necessary in the opinion of the Magistrate, and the date fixed for such forcible action shall be duly intimated to such borrower in advance giving him sufficient time to remove his belongings, or to make alternative arrangement."*

(3) Hence, this Court after keeping the ratio of above judgement in mind, decided this application without issuing notice to the borrower. Ld. Advocate **Mr. S.A.Ghevariya** for the applicant submitted that affidavit of authorized officer is as per required by Law. He also submitted that, while deciding an application u/s.14 of The Act, Magistrate's Act is ministerial act. Hence, no detail inquiry is required. It is also submitted that, Magistrate is not bound to check validity of transaction which took place between secured creditor and borrower. It is also submitted that secured asset is situated within territorial jurisdiction of this Court. This, Court has jurisdiction to decide this application. Hence, prayer is advanced to allow this application.

(4) Before deciding this application, this Court would like to refer herein some judgements, which are very much important for just decision of this application.

(5) Hon'ble Supreme Court in case of ***M/s. R.D.Jain Vs. Capital First Ltd. reported as AIR 2022 SC 4820***, has held as under.

"12. We are in complete agreement with the view taken by the High Court that (i) the District Magistrate, Chief Metropolitan Magistrate is not a persona designata for the purposes of 14 of the SARFAESI Act; (ii) the expression "District Magistrate" and the "Chief Metropolitan Magistrate" as appearing in 14 of the SARFAESI Act shall deem to mean and include Additional District Magistrate and Additional Chief Metropolitan Magistrate for the purposes of 14 of the SARFAESI Act."

(6) Further, Hon'ble Supreme Court in this judgement in para.8.1 also observed as thus.

"8.1 However, for taking physical possession of the secured assets in terms of 14(1) of the SARFAESI Act, the secured creditor is obliged to approach the CMM/DM by way of a written application requesting for taking possession of the secured assets and documents relating thereto and for being forwarded to it (secured creditor) for further action. The statutory obligation enjoined upon the CMM/DM is to immediately move into action after receipt of a written application under 14(1) of the SARFAESI Act from the secured creditor for that purpose. As soon as such an application is received, the CMM/DM is expected to pass an order after verification of compliance of all formalities by the secured creditor referred to in the proviso in 14(1) of the SARFAESI 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. As mandated by 14 of the SARFAESI Act, the CMM/DM has to act within the stipulated time limit and pass a suitable order for the purpose of taking possession of the secured assets within a period of 30 days from the date of application which can be extended for such further period but not exceeding in the aggregate, sixty days. ***Thus, the powers exercised by the CMM/DM is a ministerial act. He cannot brook delay. Time is of the essence.*** *This is the spirit of the special enactment.* ***As observed and held by this Court in the case of NKGSB Cooperative Bank Ltd. (supra), the step taken by the CMM/DM while taking possession of the secured assets and documents relating thereto is a ministerial step.*** *It could be taken by the CMM/DM himself/herself or through any officer subordinate to him/her, including the advocate commissioner who is considered as an officer of his/her court. 14 does not oblige the CMM/DM to go personally and take possession of the secured assets and documents relating thereto.* ***Thus, we reiterate that the step to be taken by the***

CMM/DM under 14 of the SARFAESI Act, is a ministerial step. *While disposing of the application under 14 of the SARFAESI Act,* ***no element of quasi-judicial function or application of mind would require. The Magistrate has to adjudicate and decide the correctness of the information given in the application and nothing more.*** *Therefore, 14 does not involve an adjudicatory process qua points raised by the borrower against the secured creditor taking possession of secured assets."*

(7) Having gone through ratio laid down by this judgement it is crystal clear that, Magistrate acting in pursuance powers envisaged u/s.14, performs ministerial act and at any point of time he/she is not supposed to apply judicial mind. Concerned Magistrate is only supposed to verify correctness of the information given in the application. It is also clear that, borrower is not required to be heard and no notice is required to be issued on the borrower. Hence, taking clue from the above ratios, this court has decided this application, as per mandate of Law.

(8) It appears from **Schedule** that secured asset is situated within territorial jurisdiction of this Court. It also transpires from **Mark-3/6** that notice u/s.13(2) is also issued against the borrower. Hence, section-14(1)'s pre-requisite conditions are fulfilled which makes financial institution entitle 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, allowing present application following order ensues:

-:: Final order ::-

1. The Application of the applicant is hereby allowed.
2. I authorize, ***Mr.A.N.Mahaskar, Assistant, Additional District Court, Tal: Savli, District: Vadodara*** to act as Court Commissioner under section-14(1-A) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.
3. Court Commissioner is directed to take possession of asset and forward such asset to the secured creditor. The description of such asset is as under : -

Description of Mortgaged Property/Secured Asset.
All that piece and parcel of the Immovable Constructed Property Being Gram Panchayat House No.263, situated at and Post : Ranchhodpura, Savli, District – Vadodara, which is constructed upon and which is laid out upon land of Village : Ranchhodpura in the Registration Sub-District : Savli and District : Vadodara. The said Residential Property being House No.263, Admeasuring Land Area of Property is 1638

Sq. Fts. Being constructed property.
The boundaries are as under :
North : Narmada Kenal South : National Highway East : Open Space West : House of Laxmiben Jashubhai Gohil

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 secured assets, Court Commissioner shall prepare the inventory of any item, documents relating to the assets if found in secured Assets and 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 Commissioner in taking possession of the secured assets. The Applicant is hereby directed to deposit lump-sum amount of **Rs.20,000/-** towards the expenses and remuneration of 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.

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

Order signed and pronounced in open Court today

on 20th June, 2026.

Dt.20/06/2026 Savli.	**(Abhijit Keshav Mavalankar)** Additional Chief Judicial Magistrate Tal:- Savli, Dist:- Vadodara Judge Code-GJ-00677

/R.J.Chauhan/

A.K.Mavalankar
Additional Chief Judicial Magistrate, Savli.